CA5 ON HAM
A34
2003
MUNICIPAL DOCUMENT

AGENDAS/MINUTES
COMMITTEE OF THE WHOLE
CITY OF HAMILTON
APR.15/03... MAY 6/03

CA5 ON HAM
A34
2003

MUNICIPAL DOCUMENT

City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-011

Tuesday, April 15, 2003

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

2.1 April 8, 2003 (to be distributed)

3. DELEGATION REQUESTS

None

4. CONSENT ITEMS

4.1 Fireworks Displays for 2003 (HCS03006) (City Wide)

4.2 Declaration of Surplus Property - 31 Baillie Street, Hamilton (PD03079) (Ward 2)

4.3 Declaration of Surplus Lands - 30 Limeridge Road, Hamilton (PD03080) (Ward 7)

4.4 Declaration of Surplus Property - Part of 70 Olympic Drive, Dundas (PD03081) (Wards 13, 14 and 15)

4.5 Heritage Permit Application (HP2003-006) to permit an addition to an existing building as 1280 Main Street West (McMaster University, Alumni Memorial Hall), Hamilton (PD03077) (Ward 1)

4.6 Heritage Permit Application (HP2003-005) to permit the replacement of front doors on the existing building at 25 Mill Street North, Waterdown (PD03076) (Ward 15)

4.7 Heritage Permit Application (HP2003-003) to permit the additional of black coach lanterns to an existing building at 398 Wilson Street East, former Town of Ancaster (PD03051(a)) (Ward 12)

4.8 Removal of Holding Symbol for 1590 Main Street West - 1165435 Ontario Limited (c/o Aiden Tuite) (Ward 1) (PD03073)

4.9 Enterprise Zone - Application EZ03/001 - 14 Mary Street (PD03083) (Ward 2)

4.10 Enterprise Zone - Application EZ02/006 - 118 market Street (PD03084) (Ward 2)

5. PRESENTATIONS

5.1 D.A.R.T.S. Contract Renewal Alternate Service Delivery Option (TOE02207a) (City Wide)

5.2 Commercial Market Analysis and Action Plans for Downtown Dundas BIA, Downtown Waterdown BIA, Ottawa street BIA, Concession Street BIA and Westdale Village BIA (PD03087) (City Wide)

DISCUSSION ITEMS

6. CITY MANAGER

None

7. CORPORATE SERVICES

7.1 IP Telephony Update (FCS03007(a)) (City Wide)

7.2 2003 Municipal Election - Advance, Special Advance and Institutional Voting (FCS03049) (City Wide)

8. ECONOMIC DEVELOPMENT

8.1 Extension to the Commencement and Completion of construction Dates - Orlick Industries - Aeropark Lands (ECO03008) (Ward 11 and City Wide)

9. EMERGENCY SERVICES

None

10. HUMAN RESOURCES

None

11. PLANNING AND DEVELOPMENT

11.1 Smart Growth Strategy to deal with Urban Boundary Expansion Requests - Response to Direction to Consider Lower Stoney Creek (PD02100(a)) (Ward 11)

11.2 Request for Proposal for the Sale and Development of Municipal Property Identified as 87-89 King Street East (PD03086) Ward 2)

11.3 Request for Proposal for the Sale and Development of Municipal Property Identified as 171 Main Street East (PD03085) (Ward 2)

11.4 Hamilton Residential Loan Program Loan Commitment - 14 Mary Street, Hamilton (PD03082) (Ward 2)

12. PUBLIC HEALTH AND COMMUNITY SERVICES

None

13. PUBLIC WORKS

13.1 Road Salt Management Plan (TOE02129(a)) (City Wide)

13.2 Award of Contract C11-08-03, Supply and Delivery of Recycling Containers Option 2 - Supply and Delivery of 5,000 Wheeled Recycling Carts (PW03020)

13.3 Partial Award to Fulfil Contract TOE-02-34(HSW) - Road and Sidewalk Reconstruction, Watermain Replacement and Sewer Repairs on Baker Street from Dundurn Street to West end and Hunt Street from Dundurn Street to Breadalbane Street (PW03021) (Ward 1)

13.4 Niagara Transportation Needs Assessment Study and Mid Peninsula Highway Draft EA Terms of reference (TOE02112(b)) (City Wide)

14. JOINT DEPARTMENTAL REPORTS

14.1 Ontario Residential Care Association (ORCA) Proposal (HCS03002) (PD03074) (City Wide)

14.2 Waterfront Revitilization - SuperBuild Projects (PW03025/FCS02015(a)) (Ward 2 and 5 and City Wide Implications)

15. REPORTS BY SUB-COMMITTEES

None

16. REPORTS BY THE VOLUNTEER CO-ORDINATING COMMITTEES

None

17. ITEMS REFERRED BY CITY COUNCIL

None

18. MOTIONS

None

19. NOTICES OF MOTIONS

None

20. GENERAL INFORMATION

None

21. PRIVATE AND CONFIDENTIAL

21.1 Report of the Non Union Compensation Committee

21.2 DARTS

22. ADJOURNMENT

OUTSTANDING BUSINESS

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
A.	Report on Colliers Recommendations – HECFI Facilities	March 28/01	Community Services		2002 - Q1
B.	Demolition of 226 Avondale Street	April 25/01	N/A		TABLED by Ward Councillor
C.	Toll for Red Hill Creek Expressway	Nov 21/01	Public Works Corporate Services	Staff to bring a report back on option for tolling Red Hill Creek Expressway	Awaiting Provincial Regulations
D.	Council Communication - Residential Care Facilities	Jan. 23/02	Public Health and Community Services	Referred to staff for comments	
E.	Strategy to attract Factory Outlet stores	Feb. 13/02/further updated on August 6/02	Economic Development	Staff to bring implementation plan to Committee	
F.	Strategy for prioritizing abandoned industrial and commercial warehouse structures	Feb. 13/02 Aug. 13/02 follow-up request made	CMT	Staff to bring implementation plan to Committee	
G.	Remuneration and Expenses	March 5/02	Corporate Services	Staff to report back in future reports highlighting offsetting revenues which create a net expenditure, consultation with Councillors, indication of expenses authorized as Council expenses	March 2003

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
H.	Pest Control	May 7/02	Planning and Development	Staff to report back on control of pests/rodents prior to demolition permit issued	
I.	Hannon Post Office	May 7/02	Corporate Secretariat	Staff to report back on possibility of address changes that align with telephone exchanges	
J.	Correspondence from Hamilton District Labour Council/HUC Corporation Position Paper	Apr. 30/02	Corporate Services and HUC	Staff to bring report back	
K.	Capital Program to modify mountable curb driveway approaches	July 2/02	Public Works	Three sections tabled pending public consultation	
L.	Uncovered crossovers on highways	August 6/02	Risk Management and Legal	Staff to bring report back on uncovered crossovers on highways	
M.	Floating Casino - West Harbour	August 13/02	Legal Services	Staff to report back on feasibility of securing a casino license for floating casino	Nov./02
N.	Correspondence from Mr. Reginald Beaudry respecting Tree Species List	Council Communication of September 11, 2002	Community Services	Staff to report back to Committee of the Whole as part of the Forestry Management Plan exercise	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
O.	Hamilton Future Fund	Sept. 10/02	Corporate Services	Staff to provide monthly reports to Council and Trustee Panel on the approved projects to assist in monitoring	Ongoing
P.	Services Review - City Maintenance Operations	Sept/10/02	City Manager	City Manager to provide ongoing and final reports to Council on behalf of the Services Review Committee	Ongoing
Q.	Hamilton's Wastewater System	Sept. 17/02	Public Works	Staff to investigate possible partnership re: dredging of the Windemere basin, Updates	
R.	Subsection g) HMRF/HWRF Pension Administration Sub-Committee Report	Sept. 24/02	COW	Tabled pending delegation from Hamilton Police Association appearing at HSC	
S.	By-law to regulate postering of signs on public property	Sept. 17/02	Public Works and Corporate Services	Staff to prepare by-law to regulate	
T.	Community Care Access Centre - program pressures arising from enforcement of eligibility criteria	Nov/02	Social and Public Health	Staff to report back	
U.	Joint Local Transfer Plan - CCCOSH	Nov 19/02	Planning and Development	Staff to report back with recommendations on areas of municipal flexibility by April 30th 2003	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
V.	2003 National Child Benefit Report	Dec 03/02	Social and Public Health	Staff to submit a Spring 2003 National Child benefit Report	
W.	Fees For Services/Activities By-law	Dec 03/02	Planning and Development	Referred back to staff	
X.	Indoor Soccer Facility	Dec 10/02	Community Services	Staff to report back on EOI	
Y.	MOU with YMCA	Dec 10/02	Community	Staff to report back on any formal agreements	
Z.	Term Ending Report Card - 6 municipalities and Region	Feb 11/03	City Manager	Report back on implementation of recommendation	
AA.	HAHPI	Mar.3/03 Budget	Planning and Development	Staff to report back with detailed Terms of Reference for the Housing Hamilton Innovations fund	
BB.	Transit Service	March 3/03 Budget	TOE	Staff to report back on transit service levels, public consultation of process for transit	
CC.	Budget/Policy Consideration	March 3/03 Budget	Corporate Services	Staff to report back on accumulated debt	
DD.	Future consulting costs	March 3/03 Budget	CMT	Staff to report back on all future consulting costs	
EE.	Shifting Gears	March 4/03	Transportation Operations and Environment	Staff to report back on plan's implementation, outstanding issues, goals	
FF.	Keys to Home - Housing Policy	March 4/03	Planning and Development	Staff to report back with draft plan by August 31/2003	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
GG.	Retail Booths at City Hall and Municipal Service Centres	March 18/03	City Manager/Corporate Services	Staff to report back on concept	
HH.	Commonwealth Games Stadium review	March 18/03	Community Services	Staff to report back with short list of candidate sites	
II.	Petitioning the Provincial Government re: assessment system	March 25/03	Corporate Services	Staff to report back re: plan	Report back in 5 weeks May 6/03
JJ.	Severe Acute Respiratory Syndrome (SARS)	Apr. 1/03	Public Health	Staff to report to back on a regular basis the city resources expended	Ongoing
KK.	Policy to permit staff to go onto private property	April 1/03	TOE/Planning/ Legal	Staff to formulate policy	
LL.	Plan for contingency Fund	April 1/03	Corporate Services	Staff to formulate policy	

SECTION 2

SECTION 3

SECTION 4

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

4.1

Public Health & Community Services
Culture and Recreation

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joe-Anne Priel General Manager, Public Health & Community Services
Date:	March 31, 2002	**Prepared by:**	Marie Worne 546 -4646

SUBJECT: Fireworks Displays for 2003 (HCS03006) (City Wide)

RECOMMENDATION:

(a) That the applicable approvals be given with respect to the Fireworks By-law and the Parks By-law.

(b) That approval be granted under the Standard Terms and Conditions of the Special Events Guidelines to the following organizations to hold Fireworks Displays and carnival rides on City Properties on the dates and locations specified below:

- (i) Albion Community Association – Valley Park, (Stoney Creek) - May 18, 2003 (rain date: May 19, 2003)
- (ii) Waterdown Optimist Club – Memorial Park, (Waterdown) – May 18, 2003 (raindate: May 19, 2003)
- (iii) Ancaster Heritage Days – Morgan Firestone Community Centre – June 14, 2003
- (iv) St. Anthony's Feast – Ivor Wynne Stadium, (Hamilton) – June 15, 2003
- (v) Racalmutese Festival – Bayfront Park, (Hamilton) - July 6, 2002
- (vi) City of Hamilton, Director of Culture and Recreation
  Victoria Day Celebrations - Dundas Driving Park, (Dundas) – May 18, 2002 Rain Date -May 19, 2003
  Canada Day Celebrations – Bayfront Park, (Hamilton) (Hamilton Harbour) - July 01, 2003
  First Night- New Year's Eve Celebrations- Commonwealth Square, (Hamilton) December 31, 2003 8:00pm & 12 midnight.
- (vii) Lynden- Lions Club Park – July 01, 2003, Lynden Sub Committee of Parks and Recreation (Canada Day Committee)
- (viii) Sheffield – Ball Diamonds - July 01, 2003, Sheffield Sub Committee of Parks and Recreation

(ix) Tiger Cat Football Club home games, Ivor Wynne Stadium (west end zone) - Hamilton
June 10, 20, 2003
July 5,11, 2003
August 2, 15, 2003
September 1, 12, 27, 2003
October 18, 2003
November 2 & 9, 2003

Hale Emsick for

Joe-Anne Priel, General Manager
Public Health and Community Services

EXECUTIVE SUMMARY:

Currently displays are operated and hosted as civic events where others in area communities are hosted by service clubs and neighbourhood associations.

Tiger Cat Home football games, pyrotechnic displays (low level) are held in west end zone when a touchdown/field goal are scored. This has been successfully held over the last few seasons.

BACKGROUND:

The numerous fireworks displays have all been successfully held over many years in Hamilton and its area communities, wards. All displays involved service clubs, neighbourhood community groups and the corporation of the new city of Hamilton.

A majority of the events are free to the public or a nominal fee or donation is requested from the participants/spectators.

ANALYSIS OF ALTERNATIVES:

Council is required to approve all fireworks display in the new City of Hamilton in accordance with existing municipal by-laws and federal government regulations.

AFFECTS WARD 2

CITY OF HAMILTON

4.2

PLANNING AND DEVELOPMENT DEPARTMENT
Real Estate and Property Management Section

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	March 28, 2003	**Prepared by:**	Scott G. Beveridge (905) 628-5111

SUBJECT: **Declaration of Surplus Property – 31 Baillie Street, Hamilton (PD03079) (Ward 2)**

RECOMMENDATION:

(a) That the City owned vacant lands identified as Lots 2 & 3 Plan 48 in the municipality of Hamilton comprising an area of .02 hectares (.05 acres), more or less, be declared surplus to the requirements of the City of Hamilton in accordance with City of Hamilton Real Property Sale Procedural By-Law 95-049;

(b) That Real Estate be authorized and directed to sell the subject property in accordance with the Real Property Sale Procedural By-Law 95-049 and Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters;

(c) That the net proceeds of sale be used first to help offset any shortfall in achieving the $1 million program reduction in Real Estate to realize operating cost reductions and, if not required, be contributed to the Reserve for Property Purchases.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The subject property was vested with the City of Hamilton on December 8, 1995 as a result of the tax arrears process. The subject property does not contribute to the core business of the city and sits vacant on a dead-end street in the lower City.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 2. The subject property was obtained by the City of Hamilton by means of the tax arrears process. A Notice of Vesting in favour of the Corporation of the City of Hamilton was registered December 8, 1995 as instrument number VM222774. The parcel is a vacant irregular shaped lot of approximately .02 hectares (.05 acres) and abuts the Canadian Pacific Railway Line embankment (the old TH&B railway line). A concrete block retaining wall along the north property line is deteriorating and is expected to require repair in the near future. There is a wire fence with a gate along the street frontage of the subject. This parcel is designated Lmr-2 (designated holding zone for multiple family residential) and is in an area of transitional land use.

Due to the irregular shape, small size of the parcel and its proximity to the railway line it is not expected that this site could be developed independently. However, the City is also attempting to dispose of another parcel on the same block as the subject at the north-west corner of Walnut Street South and Augusta Street. While the subject and this other surplus property are not contiguous they may be of some interest to a developer interested in re-developing the entire block.

The local Councillor and staff have received complaints over the past year from neighbours in the area with respect to the accumulation of debris and automobiles on the site. These complaints initiated a series of inspections and maintenance trips to the property by City staff to rectify these problems. City staff have also posted "No Dumping" signs on site in an effort to reduce the debris problem.

ANALYSIS OF ALTERNATIVES:

A circulation to all City departments in 2002 failed to identify alternative municipal uses for the subject property. Therefore, the Real Estate Section has concluded that the subject does not currently or in the future have the possibility of contributing to the core business of the city. In addition the outside agencies contacted by the Real Estate Section did not indicate any interest in the subject for current or projected uses.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

In accordance with corporate policy (Former City of Hamilton), the net proceeds of sale are to be contributed to the Reserve for Property Purchases. However, it is recommended that Council provide some flexibility to use such proceeds to offset any shortfall to the budget reduction of $1 million in Real Estate. It should be noted that the sale of these properties will result in realizing revenue collected from taxes subsequent to the sale which would otherwise have not been received if the property had of stayed in Municipal ownership. The new tax revenue should be considered, if required, during the 2004 Budget process in order to help achieve the $1 Million in Operating savings that is to come out of the Base budget. The goal of this reduction was to realize operating cost reductions and tax income.

Staffing

Maintenance of the subject will no longer be the responsibility of municipal staff.

Legal

Following a sale the City will not be liable for this parcel.

POLICIES AFFECTING PROPOSAL:

Identifying and disposing of surplus properties at market value is consistent with the effective management of the realty assets of the City of Hamilton. Disposal of the subject to the private sector would re-classify the subject as taxable on the assessment roll and reduce the city's operational budget.

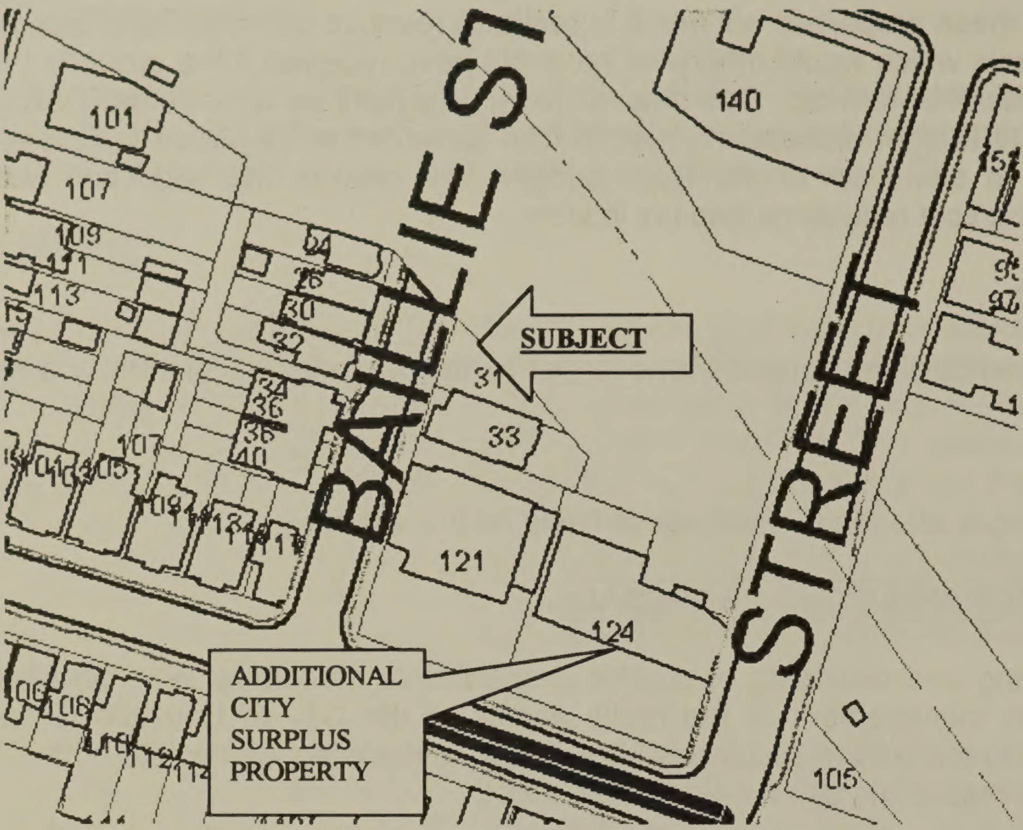
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Real Estate Section communicated with various City departments and outside agencies with respect to the disposal of the subject property. No alternative uses were identified from this process.

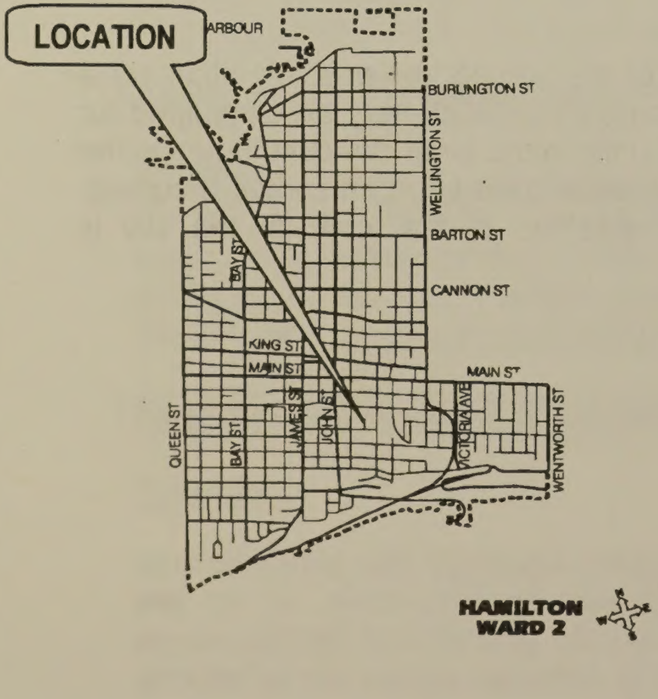
CITY STRATEGIC COMMITMENT:

The approval this report and the eventual sale of the subject will possibly allow for a land assembly on this block. With such an assembly the block may be developed for multi-family use. The intensification of residential units in the inner city contributes to the land use goals of Vision 2020. By increasing residential density urban sprawl is curbed, infrastructure and services are better utilized, and the central core of the city is strengthen.

Attach. (1)


BAILLIE ST
STREET
SUBJECT
31
33
121
124
140
105
101
107
109
111
113
24
26
30
32
34
36
38
40
ADDITIONAL
CITY
SURPLUS
PROPERTY

KEY MAP


LOCATION
ARBOUR
BURLINGTON ST
WELLINGTON ST
BARTON ST
CANNON ST
KING ST
MAIN ST
MAIN ST
QUEEN ST
BAY ST
BAY ST
JAMES ST
JOHN ST
VICTORIA AVE
WENTWORTH ST
HAMILTON
WARD 2

LOCATION PLAN

31 BAILLIE STREET
HAMILTON

CITY OF HAMILTON
REAL ESTATE SECTION

LEGEND

⇦ SUBJECT LAND

SCALE	DATE
NOT TO SCALE	2003-03-25

REFERENCE FILE NO: **96C-15**

AFFECTS WARD 7

CITY OF HAMILTON

4.3

PLANNING AND DEVELOPMENT DEPARTMENT
Real Estate and Property Management Section

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	March 28, 2003	**Prepared by:**	William Farkas (905) 628-4300

SUBJECT: Declaration of Surplus Lands – 30 Limeridge Road, Hamilton (PD03080) (Ward 7)

RECOMMENDATION:

(a) That the City owned vacant lands identified as Part of Lot 14, Concession 7, Barton, designated as Parts 1, 2 and 3 on Plan 62R-14294; Part 22 on Plan 62R-11928 and Part 26 on Plan 62R-11928, comprising an area of 4.64 hectares (11.48 acres) more or less be declared surplus to the requirements of the City of Hamilton in accordance with the City of Hamilton Real Property By-law No. R95-052;

(b) That the Real Estate Section be authorized and directed to sell the subject property in accordance with the Real Property Sales Procedural By-law No. R95-052 and Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters;

(c) That the net proceeds of sale be used first to help offset any shortfall in achieving the $1 million program reduction in Real Estate to realize operating cost reductions and, if not required, be contributed to the Reserve for Property Purchases.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The purpose of this report is to request City Council's approval to declare vacant lands described as Parts 1, 2 and 3 on Plan 62R-14294; Part 22 on Plan 62R-11928 and Part 26 on Plan 62R-11928, within the Jerome Neighbourhood surplus to the requirements of the City of Hamilton and that these lands to be sold at fair market value as shown on attached reference plan and marked as Appendix A.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 7.

Effective January 1, 1995 the Municipal Act was amended by Bill 163, requiring municipalities to enact a by-law to establish procedures for the sale of real property owned by a municipality.

In accordance with Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters stipulates that all municipally owned real property intended to be sold, be surplus to municipal requirements and if so, Council shall by by-law or resolution, declare the property surplus.

The Region expropriated the subject land in 1994 for the construction of the "LINC". It was necessary to acquire all of the former owner's land to implement the project. The lands lying south of the freeway corridor are surplus lands remaining from the construction of the "LINC".

The subject property is located on the south side of the Lincoln Alexander Parkway ("LINC"), just east of Upper James Street in the City of Hamilton. The subject property has limited road frontage along the east-bound on-ramp to the "LINC", from which no municipal access can be obtained. The subject is located to the south and east of an existing strip mall located at 1151-1171 Upper James, City of Hamilton. (Location Map attached hereto).

The site is currently vacant and comprises an area of 4.64 hectares (11.48 acres) more or less (referred to as the Bethune lands). The subject lands and in particular Part 1 on Plan 62R-14294 are designated "Residential" on Schedule "A" of the City's Official Plan and in the Jerome Neighbourhood Plan. The far-western portion of the land holdings being Part 2 on Plan 62R-14294 and having an area of approximately 0.7 hectares (1.7 acres) is designated "Commercial" in both the Official Plan and the Jerome Neighbourhood Plan.

The area is well situated for residential and commercial development, having good accessibility to the QEW\403 via the "LINC" which runs east\west across the Hamilton Mountain, and north\south via Upper James (HWY #6) running south to the Haldimand-Norfolk areas.

Over the past year, the local Ward Councillor, Planning and Real Estate staff had received numerous inquiries with respect to the availability of the lands for commercial development. Due to the construction of the "LINC", Upper James Street between the "LINC" and Rymal Road to the south is being developed as a significant commercial retail node in the Hamilton Mountain Area. As new retail development is occurring on the east and west sides of Upper James, the impact of commercial development in the area has created a shortage in the land inventory base for prime commercial lands. As a result of the depleting inventory, as well as a demand from the private sector for large scale commercial parcels, Planning staff have been involved in a conceptual re-design exercise for these lands to evaluate the land use implications of providing additional commercially designated land in the area. However, due the time frame required to do a complete Neighbourhood Plan review, it was suggested that any sale of the parcel for commercial purposes be contingent upon the proponents having to make the necessary applications to the City of Hamilton for an Official Plan Amendment and Zoning By-law change.

ANALYSIS OF ALTERNATIVES:

A circulation to all City departments in 2001 and 2002 failed to identify alternative municipal uses for the subject property. In addition the outside agencies contacted by the Real Estate Section did not indicate any interest in the subject for current or projected uses.

As no municipal need has been identified for the subject property, the economic spin off through the sale and development will increase the City's tax base, in addition to reducing the City's operational costs from a maintenance standpoint.

If City Council elects not to declare the lands surplus to the requirements of the City of Hamilton, as the lands would be exempt, there would be a loss in revenues through the sale of the property and the potential loss in tax revenues through development/re-development of the site. Further, the City would be required to expend additional funds to maintain and secure the lands.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

Upon the sale of the subject property it will become taxable at the appropriate tax rate. The City will no longer be responsible for its maintenance costs. Further, if this recommendation is approved, staff will take the necessary steps to dispose of the subject property at fair market value based on the highest and best use for the lands. It should be noted that the sale of these properties will result in realizing revenue collected from taxes subsequent to the sale which would otherwise have not been received if the property had of stayed in Municipal ownership. The new tax revenue should be considered, if required, during the 2004 Budget process in order to help achieve the $1 Million in Operating savings that is to come out of the Base budget.

In accordance with corporate policy (Former City of Hamilton), the net proceeds of sale are to be contributed to the Reserve for Property Purchases. However, it is recommended that Council provide some flexibility to use such proceeds to offset any shortfall to the budget reduction of $1 million in Real Estate. The goal of this reduction was to realize operating cost reductions and tax income.

Staffing

N/A

Legal

N/A

POLICIES AFFECTING PROPOSAL:

Effective January 1, 1995 the Municipal Act was amended by Bill 163, requiring municipalities to enact a by-law to establish procedures for the sale of real property owned by a municipality. Subsequently, the former Regional Municipality of Hamilton-Wentworth adopted and enacted the Real Property Sale Procedural By-Law No. R95-052 and in accordance with Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approved the Consolidation of Routine Real Estate Matters requiring that all municipally owned real property intended to be sold, be surplus to municipal requirements and if so, Council shall by by-law or resolution, declare the property surplus. Identifying and disposing of surplus properties at market value is consistent with the effective management of the realty assets of the City of Hamilton.

Pursuant to Section 43 of the Expropriation Act, "Where lands that have been expropriated and are in the possession of the expropriating authority are found by the expropriating authority to be no longer required for its purposes, the expropriating authority shall not, without giving the owners from whom the land was taken the first chance to repurchase the lands on the terms of the best offer received by the expropriating authority." In this regard, on February 22, 2000 staff received notification from Mr. George J. Gresko, solicitor acting on behalf of James Alexander Bethune, an Executor and a Beneficiary of the Estate of Mary O. Bethune from whom the land was taken stating in part that the estate is no longer desirous in submitting an offer to re-purchase the lands previously expropriated by the former Region of Hamilton-Wentworth.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Various City departments, School Boards, Hospital Boards, McMaster University, Mohawk College and the Province of Ontario have been notified of the surplus status of the subject and none have shown interest or objected to the sale subject to:

Public Works: "A noise wall has been erected, its effectiveness will depend on the use of the property, the final grading and orientation of the buildings. Any new owner should be required to provide a noise study and meet any Provincial/Municipal noise requirements.

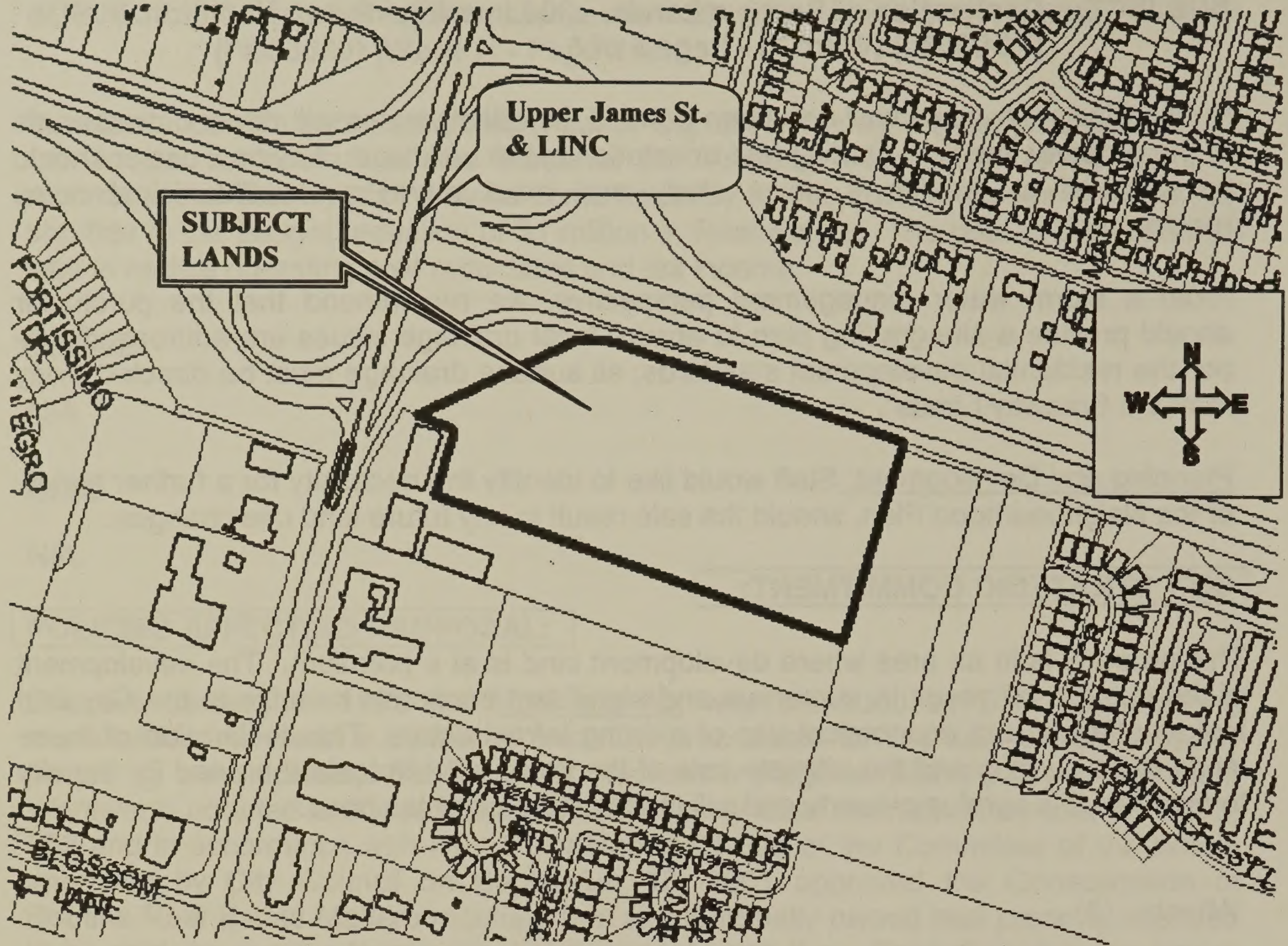
From a storm water management perspective, we recommend that the purchaser should provide a site-grading plan to ensure local drainage issues are addressed. As per the residential development standards, all surface drainage must be directed away form the Freeway Lands".

Planning and Development: Staff would like to identify the necessity for a further review of the Neighbourhood Plan, should the sale result in any future land use changes.

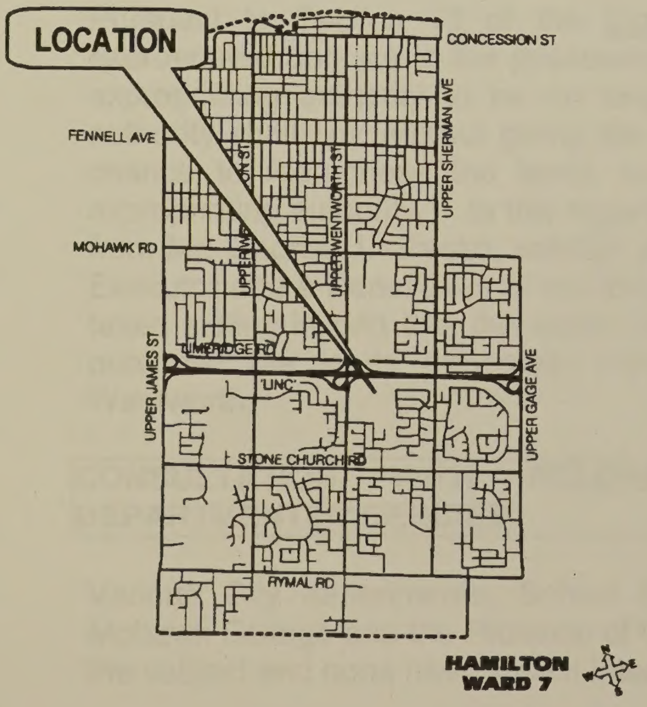
CITY STRATEGIC COMMITMENT:

This property is in an area where development land is at a premium. The development of the subject will result in numerous and significant economic benefits to the City and makes efficient and economical use of existing infrastructure. The declaration of these lands to be surplus and the ultimate sale of the lands will eliminate the need for the city to maintain this surplus property and will increase the city's tax base.

Attachs. (2)


Upper James St.
& LINC
SUBJECT
LANDS
FORTISSIMO DR
ALLEGRO
BLOSSOM LANE
LORENZO DR
COLCIN CR
TOWERCREST
N
W
E
S

KEY MAP


LOCATION
CONCESSION ST
FENNELL AVE
MOHAWK RD
LIMERIDGE RD
"LINC"
STONE CHURCH RD
RYMAL RD
UPPER JAMES ST
UPPER WELLINGTON ST
UPPER WENTWORTH ST
UPPER SHERMAN AVE
UPPER GAGE AVE
HAMILTON
WARD 7

LOCATION PLAN

30 Limeridge Road

CITY OF HAMILTON

Real Estate Section

LEGEND

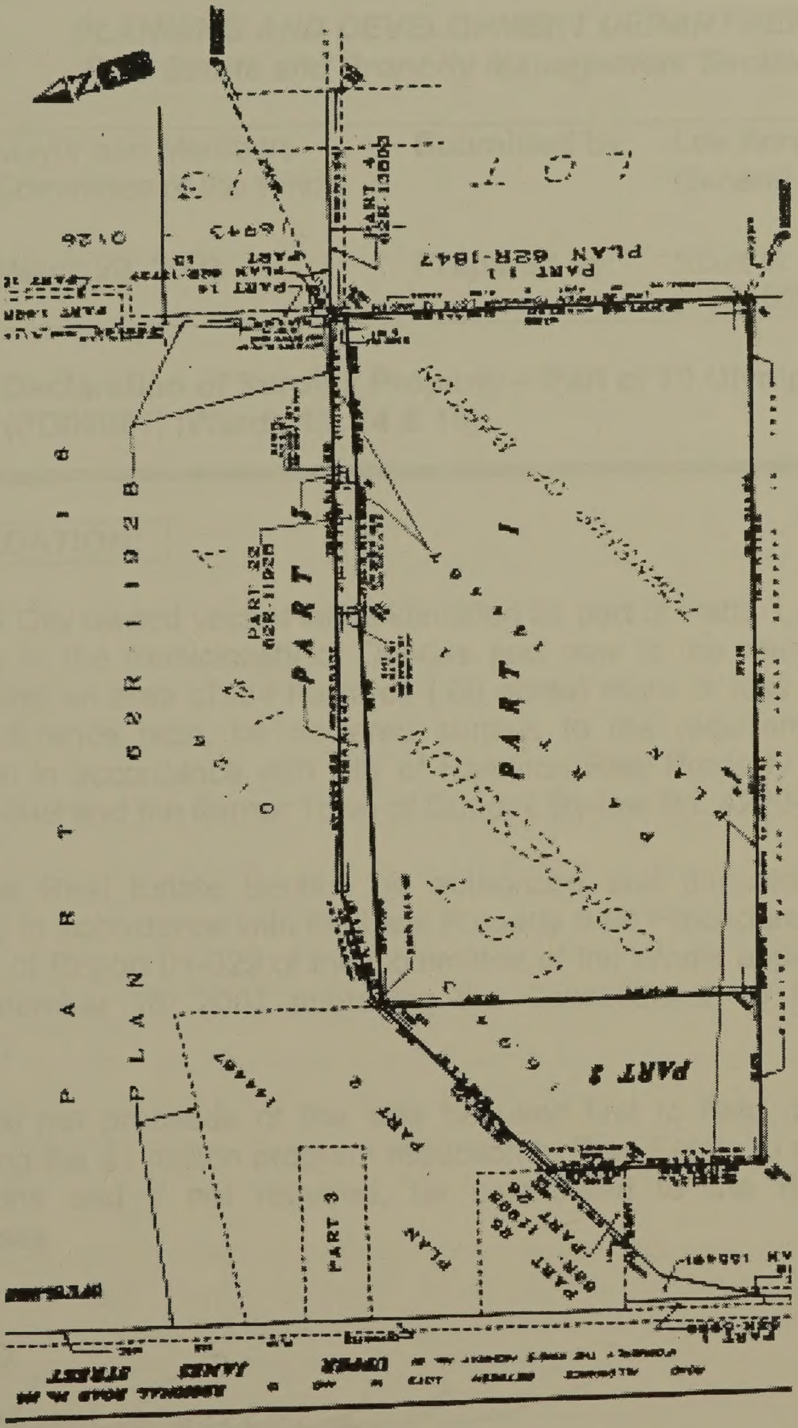
SUBJECT LANDS

SCALE
NOT TO SCALE

DATE
2003-03-25

REFERENCE FILE NO: **2001-028**

APPENDIX "A"


PART 1
PART 2
PART 3
PART 5
PART 22
62R-11228
PLAN 62R-1847
PLAN 62R-11928
LOT 7
CONCESSION 1
UPPER JAMES STREET

AFFECTS WARDS 13, 14 & 15

CITY OF HAMILTON

4.4

PLANNING AND DEVELOPMENT DEPARTMENT
Real Estate and Property Management Section

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	March 28, 2003	**Prepared by:**	Scott G. Beveridge (905) 628-5111

SUBJECT: Declaration of Surplus Property – Part of 70 Olympic Drive, Dundas (PD03081) (Wards 13, 14 & 15)

RECOMMENDATION:

(a) That the City owned vacant lands identified as part of Parts 1,2 & 3 Plan 62R-4380 formerly in the municipality of Dundas and now in the municipality of Hamilton comprising an area of .24 hectares (.60 acres) more or less and to be confirmed by a reference plan, be declared surplus to the requirements of the City of Hamilton in accordance with City of Hamilton Real Property Sale Procedural By-Law 95-049 and the former Town of Dundas By-law No. 4220-95;

(b) That the Real Estate Section be authorized and directed to sell the subject property in accordance with the Real Property Sale Procedural By-Law 95-049 and Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters;

(c) That the net proceeds of the sale be used first to help offset any shortfall in achieving the $1 million program reduction in Real Estate to realize operating cost reductions and if not required, be contributed to the Reserve for Property Purchases.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The subject is vacant land and is currently encumbered by Hydro One and gas company installations. This parcel does not contribute to the core business of the City of Hamilton. Hydro One requires the land for the construction of a Hamilton Hydro underground plant and is willing to enter into an easement or purchase agreement with the City. It is recommended that the City sell the subject land to Hydro One.

BACKGROUND:

Representatives have approached the Real Estate Section from Hydro One and Hamilton Hydro with a request for an easement on, or the purchase of, the subject land. The subject parcel is estimated to be approximately .24 hectares (.60 acres). The exact size of the parcel is to be confirmed by a survey completed at the purchaser's expense and acceptable to the Senior Project Manager Surveys/Technical Services, City of Hamilton. According to the hydro representatives there have been transmission lines on these City lands since 1910. Until recently, Hydro One had believed that it owned the subject lands and had given permission to Hamilton Hydro to build an underground cable duct through this area. Upon the discovery that Hydro One did not own the parcel hydro representatives immediately approached the Real Estate Section.

Hydro representatives explained the crucial nature of the subject land as a link in their transmission system and their goal of providing uninterrupted electrical service to the residents and businesses of Dundas and Flamborough. Hamilton Hydro had identified the need for a new transformer in Dundas two years ago and had requested that Hydro One build a new transformer to alleviate a severe over capacity at the existing station. According to Hamilton Hydro the new transformer station and infrastructure, including underground cable ducts need to be in place and operational by June 30, 2003. Installation by this date is required in anticipation of the heavy loads that the utility experiences during the summer months. Unfortunately, Hamilton Hydro planned its new underground plant through City of Hamilton property. This underground cable egress is required to establish feeders from the new Dundas transformer station to its users in Dundas and Flamborough. The Real Estate Section recognizes the importance of this link to the citizens of Dundas and Flamborough and is co-operating with the Hydro authorities to facilitate a solution to this problem.

In discussions with representatives Hamilton Hydro it became apparent that if the City retained the subject lands that in the future Hamilton Hydro may require additional easements over the subject parcel. Given that the lands are already encumbered with Hydro One, Union Gas and Trans Canada Pipeline installations it is recommended that the City dispose of this parcel. The relationship between Hydro One and Hamilton Hydro is such that Hamilton Hydro does not own lands of this type, but rather Hydro One owns the land and permits Hamilton Hydro a right of way over the lands. Therefore, if these lands are declared surplus the Real Estate Section will negotiate the sale of this parcel to Hydro One. The City could expect to benefit in a number of ways with the disposal of the subject property. One benefit would be that the City would no longer be liable with respect to these lands. A second benefit would be that the City would be released from future complications with regard to the hydro and gas utilities that traverse this small parcel.

ANALYSIS OF ALTERNATIVES:

Hydro One initially asked the City for a blanket easement over the subject lands in perpetuity. Legal Services advised Real Estate that the City of Hamilton does not enter into perpetual agreements and suggested that Real Estate continue negotiations with Hydro One for the sale of the fee simple interests of the subject.

This advice is consistent with the actions of Real Estate to pursue the sale of the subject. Legal Services and the Real Estate Section do not recommend the alternative of an easement in this instance.

Hydro One also requested that an Authority to Enter Agreement be granted in their favour (and their servants and agents) over the subject parcel by the City of Hamilton. With such an agreement Hamilton Hydro could expedite their construction schedule. Legal Services has strongly advised against granting an Authority to Enter Agreement to Hydro One prior to a sales document being agreed to, signed and receiving executive approval between the two parties.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

In accordance with corporate policy (former City of Hamilton), the net proceeds of a sale are contributed to the Reserve for Property Purchase. However, it is recommended that Council provide some flexibility to use such proceeds to offset any shortfall to the budget reduction of $1 million in Real Estate. It should be noted that the sale of these properties will result in realizing revenue collected from taxes subsequent to the sale which would otherwise have not been received if the property had of stayed in Municipal ownership. The new tax revenue should be considered, if required, during the 2004 Budget process in order to help achieve the $1 Million in Operating savings that is to come out of the Base budget. The goal of this reduction is to realize operating cost reductions and tax income.

Staffing

Upon the sale of these lands staff will no longer be required to maintain the parcel.

Legal

Upon the sale of these lands the City of Hamilton will no longer be liable for activities on these lands. The City will no longer be required to monitor the easement agreements with the utilities that traverse this parcel.

POLICIES AFFECTING PROPOSAL:

The subject property does not contribute to the core business of the City of Hamilton and in declaring it surplus negotiations may begin regarding its disposal. With the disposal of this property to Hydro One for Hamilton Hydro use the City of Hamilton will be co-operating with two important agencies that serve the residents of Hamilton.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Real Estate Section circulated all City departments requesting comments on any current and future possible uses for this site. All comments received were in favour of declaring the subject surplus and selling the parcel. Three departments informed the Real Estate Section of issues regarding the poor stability of land in this general area.

Legal Services has advised the Real Estate Section that it is not City policy to grant an Authority to Enter Agreement without having a signed sales agreement. Legal Services strongly comments that if an Authority to Enter Agreement is granted prior to having a signed sales agreement that the City could face serious liability issues. The Real Estate Section acknowledges this concern and will not extend an Authority to Enter Agreement to the hydro authorities until a sales agreement is signed and executive approval is received.

Environmental Planning and Development responded to Real Estate's circulation commenting that this transaction on Olympic Drive may be used as leverage in other dealings the City is negotiating with Hydro One. Unfortunately due to the strict timelines of this project, Hydro One will not entertain a series of complicated simultaneous negotiations to effect the transfer of this parcel. Hydro One requires a speedy resolution to their problem of supplying constant electrical service to Dundas and Flamborough. The Real Estate Section will, however, remind Hydro One that the City of Hamilton was accommodating in this instance when negotiating these other projects.

The Planning and Development Department recommended that a portion of the subject land, along the eastside of Olympic Drive, be retained for the future construction of sidewalks. Hydro One has been asked by the Real Estate Section to delineate the area of this future sidewalk on their plan.

None of the outside agencies contacted required the subject parcel. Due to the location of the subject with respect to Cootes Paradise special note was made of the Hamilton Conservation Authority's comment that they were not interested in the subject. Of course extensive communications have taken place between the City and both Hamilton Hydro and Hydro One.

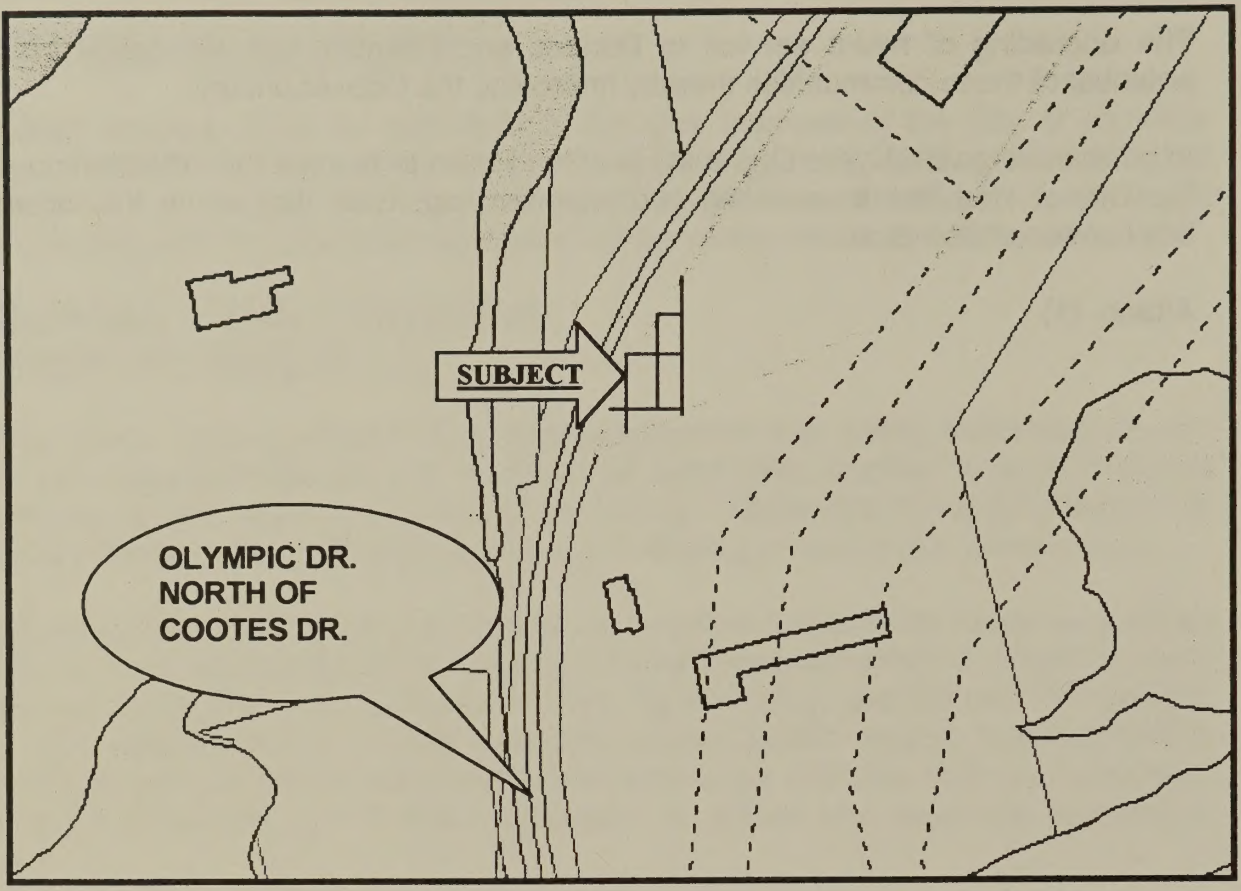
CITY STRATEGIC COMMITMENT:

The subject does not currently contribute to the core business of the City. An extensive internal and external circulation failed to identify any future use for this property.

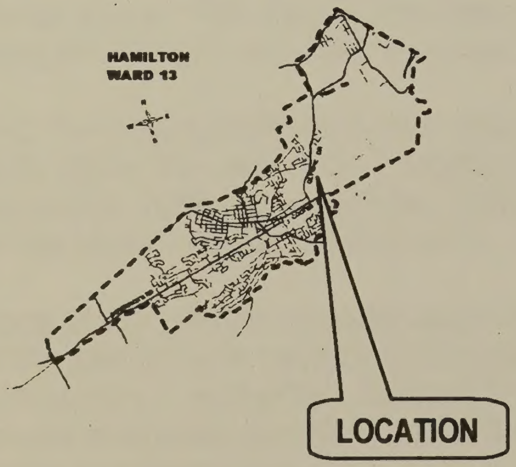
The upgrading of hydro service to Dundas and Flamborough will assist the growth potential of these communities thereby improving the local economy.

In co-operating with Hydro One and Hamilton Hydro to resolve their distribution problem the City of Hamilton is assisting two important agencies that serve the citizens and businesses of Hamilton.

Attach. (1)


SUBJECT
OLYMPIC DR. NORTH OF COOTES DR.

KEY MAP


HAMILTON WARD 13
LOCATION

LOCATION PLAN

OLYMPIC DRIVE
DUNDAS

CITY OF HAMILTON

LEGEND

SUBJECT

SUBJECT LAND

NOT TO SCALE

REFERENCE FILE NO: **2003-009**

AFFECTS WARD 1

CITY OF HAMILTON

4.5

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	March 28, 2003 HP2003-006	**Prepared by:**	Stephanie Barber (905) 643-1262 Ext. 220

SUBJECT: **Heritage Permit Application (HP2003-006) under Part IV of the Ontario Heritage Act to Permit an Addition to an Existing Building at 1280 Main Street West (McMaster University, Alumni Memorial Hall), City of Hamilton (PD03077) (Ward 1)**

RECOMMENDATION:

That Heritage Permit (HP2003-006) be approved for an addition according to the drawings attached as Appendix "B" to Report PD03077, accompanying the permit application subject to the following condition:

(a) That fully dimensioned drawings and details of the interior finishes, interior feature wall and foyer be submitted for approval to heritage planning staff and Local Architectural Conservation Advisory Committee (LACAC) prior to construction.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Alumni Memorial Hall is one of six (6) buildings that form the historic core of the McMaster University campus. Currently there is a Notice of Intention to Designate under Part IV of the Ontario Heritage Act that applies to these six buildings. The applicant proposes an addition to the east elevation of Alumni Memorial Hall as well as interior alterations to the hall. The proposed addition seeks to replicate the character of the existing building and the interior alterations will be sympathetic to the design and materials of the hall. The proposed work is considered to be acceptable.

BACKGROUND:

At the core of the McMaster University campus are six (6) stone and brick Collegiate Gothic style buildings. The five original buildings were designed by Hamilton-born, Toronto-based architect, William Lyon Somerville. Constructed 20 years later in 1950, Alumni Memorial Hall was designed by Bruce Brown and Brisely in collaboration with William Lyon Somerville. As of 1998, a Notice of Intention to Designate the six original buildings under Part IV of the Ontario Heritage Act, was published. Under Section 30 of the Ontario Heritage Act a Notice of Intention to Designate has the same effect as though the property were designated. Accordingly, any proposed work affecting designated features of such buildings is subject to review by the Local Architectural Conservation Advisory Committee and approved by Council.

The applicant proposes an addition to the east elevation of the subject building and alterations to the interior of the hall. Key factors in the evaluation of any change affecting a heritage building or its setting are consideration of "displacement effects" (those adverse actions that result in the damage, loss or removal of valued heritage features) and "disruption effects" (those actions that result in detrimental changes to the setting or character of a heritage feature).

With respect to the building fabric of this designated property the proposed addition will change the original appearance of the east elevation of Alumni Memorial Hall and those heritage features that are included in the Reasons for Designation. The addition will result in displacement effects to identified heritage features including three original windows. The proposed interior alterations will result in disruption of the interior space. The Heritage Permit Review Subcommittee of LACAC has reviewed this application and has no objections to the proposed addition and interior alterations.

ANALYSIS OF ALTERNATIVES:

The proposed addition to the east elevation of the subject building is one storey in height, 695 square feet in area and will comprise the following:

- a secondary accessible entrance;
- a foyer containing an elevator and stairs to the ground floor and basement levels;
- a gable roof and a flat roof over the new bar storage area;
- red brick exterior laid in a Flemish bond and limestone trim to match the existing as closely as possible;
- aluminium clad wood windows and exterior wood doors with double glazing and custom mullion pattern to match the existing design and configuration; and,
- slate roofing to match the existing.

Three existing main floor windows will be displaced as a result of the introduction of an interior entrance and the provision of access between the existing bar and a new bar storage area. The new interior entrance will retain the transom of the existing window and add new doors below. The new doors are to be of wood and designed to closely match the design of the existing interior doors.

Interior alterations will comprise the following:

- a new wall that will be built to conceal a stainless steel dumbwaiter and new servery counter at the north end of the hall;
- repositioning of the "McMaster window" two feet higher than the existing height and flush-mounted within the new wall;
- removal and replacement of fan coils with new coils for both heating and cooling;
- replacement of existing metal coil covers with wood cabinet enclosures;
- refinishing of the hardwood floors; and,
- painting of walls and new coil cabinet enclosures.

The proposed addition is found to be acceptable as it is being located on a secondary (east side) elevation and is compact in form. The proposed design and materials are in keeping with those of the existing building. The interior alterations are also found to be acceptable as they will be sympathetic to the designated interior space and finishes, and will facilitate the continued use of the building.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – Not applicable.

Legal – With five (5) other original buildings, Alumni Memorial Hall has been included in a Notice of Intention to Designate under Part IV of the Ontario Heritage Act (see *Hamilton Spectator*, April 28, 1998). Section 30 of the Act provides that:

> "Where a notice of intention to pass a by-law designating a property is served and published under subsection 29 (3) and has not been withdrawn under clause 29 (6) (b) or 29 (14) (b), sections 33 and 34 apply to the owner of such property as if it were designated property under this Part and any permit issued by a municipality prior to the service and publication of such notice of intention that allows the alteration or demolition of such property, where the alteration and demolition has not been completed, is void. R.S.O. 1990, c. O.18, s. 30."

This Heritage Permit Application has been processed and considered within the context of the applicable legislation.

POLICIES AFFECTING PROPOSAL:

Official Plan policies of the former City of Hamilton and the McMaster University Campus Master Plan support the conservation, protection and management of cultural heritage features. Approval of this heritage permit would not conflict with these policies.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

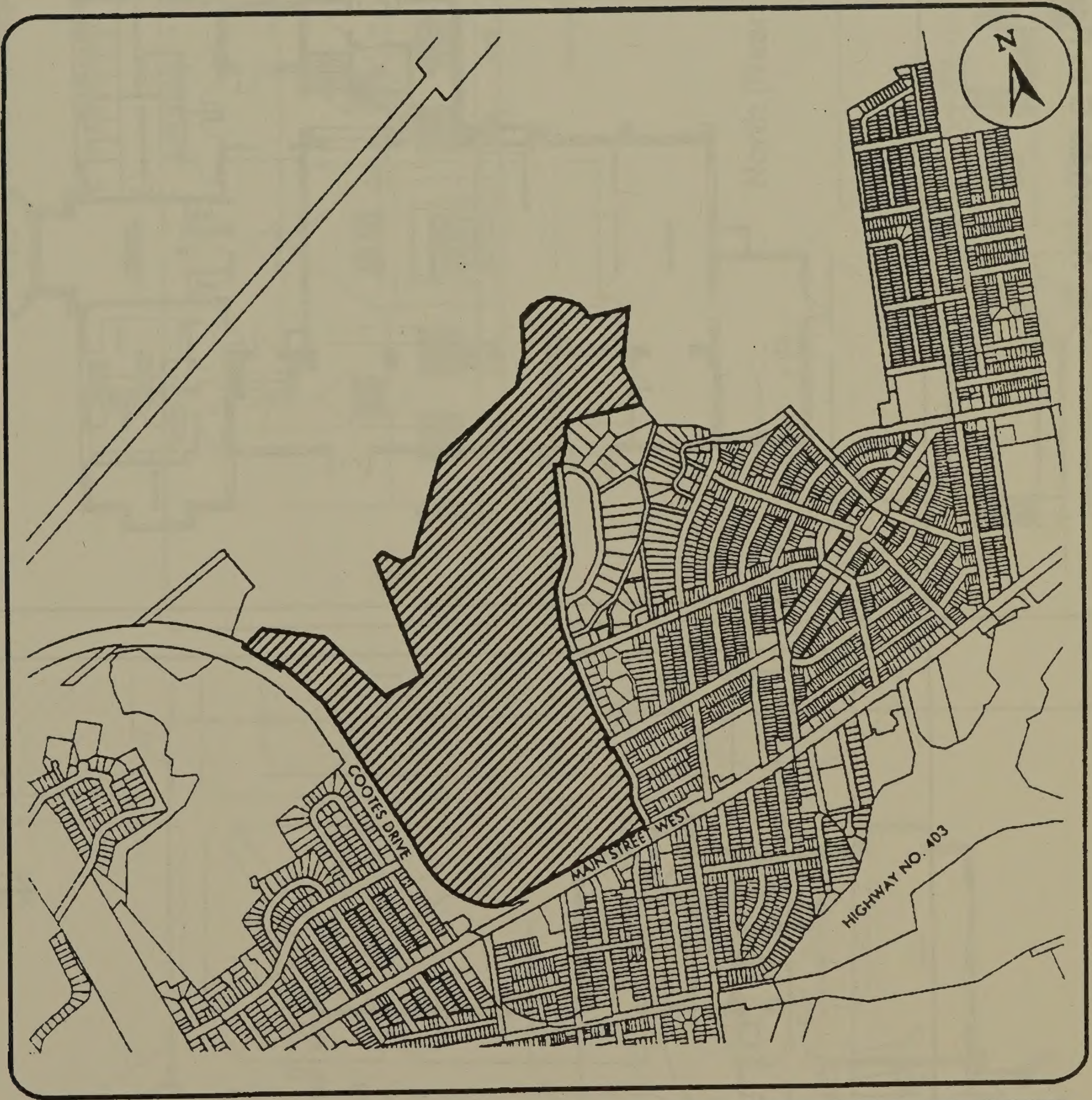
Pursuant to subsection 33(4) of the Ontario Heritage Act, Council is required to consult with LACAC respecting a heritage permit application. At its meeting of March 20, 2003, the City of Hamilton LACAC considered this application, together with the staff report, and endorsed the staff recommendation. LACAC therefore recommended to Council that Heritage Permit HP2003-006 be approved.

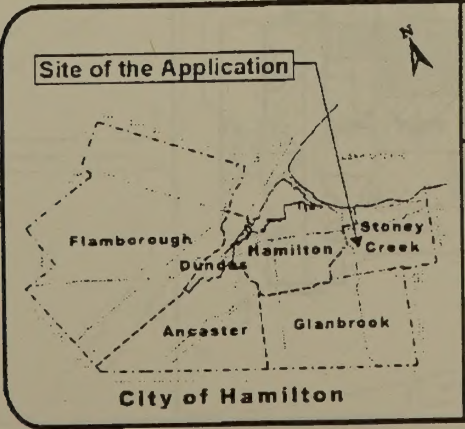
CITY STRATEGIC COMMITMENT:

The proposed addition and interior alterations will enhance the continued use of the existing structure. The application is considered to be compatible with sustainable development and the values of VISION 2020.

:sb
Attachs. (3)

Appendix A to Report PD03077
Page 1 of 1


N
COOTES DRIVE
MAIN STREET WEST
HIGHWAY NO. 403

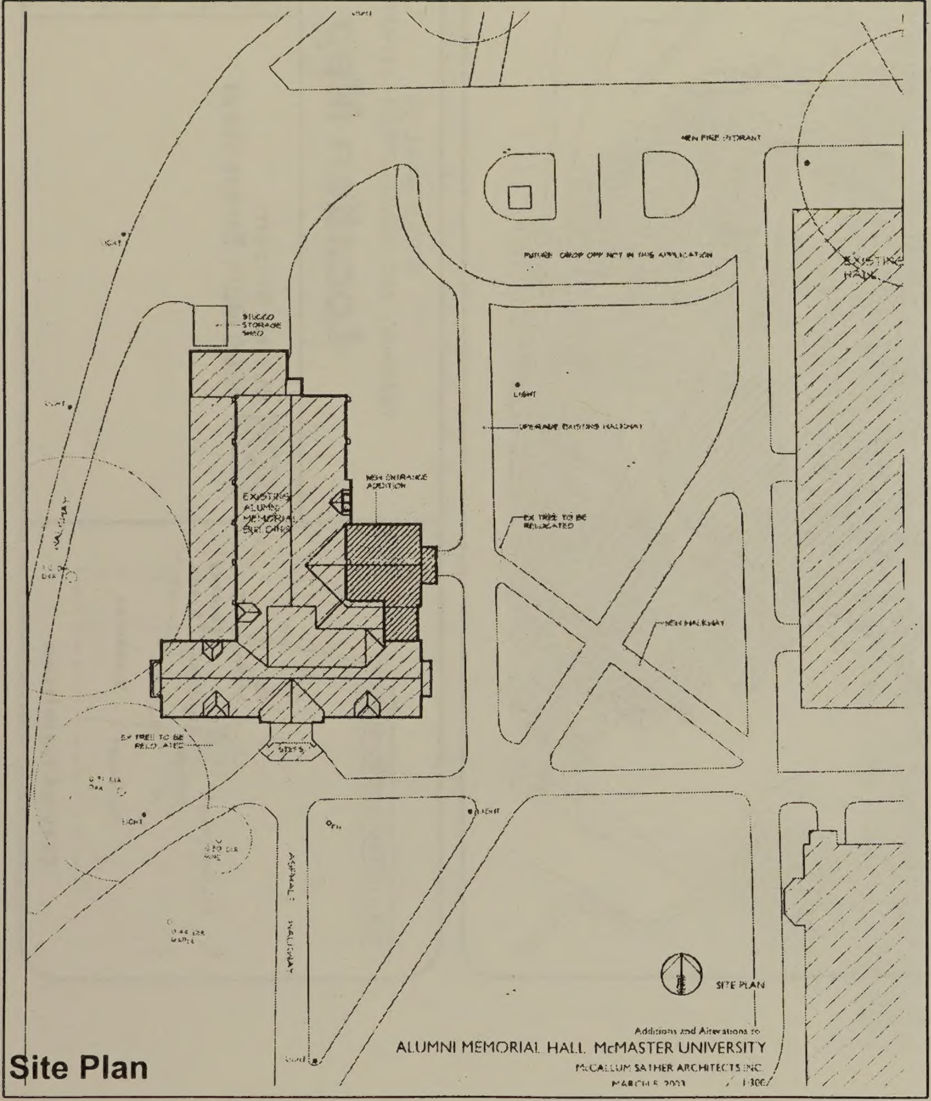

Site of the Application
N
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

CITY OF HAMILTON
PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

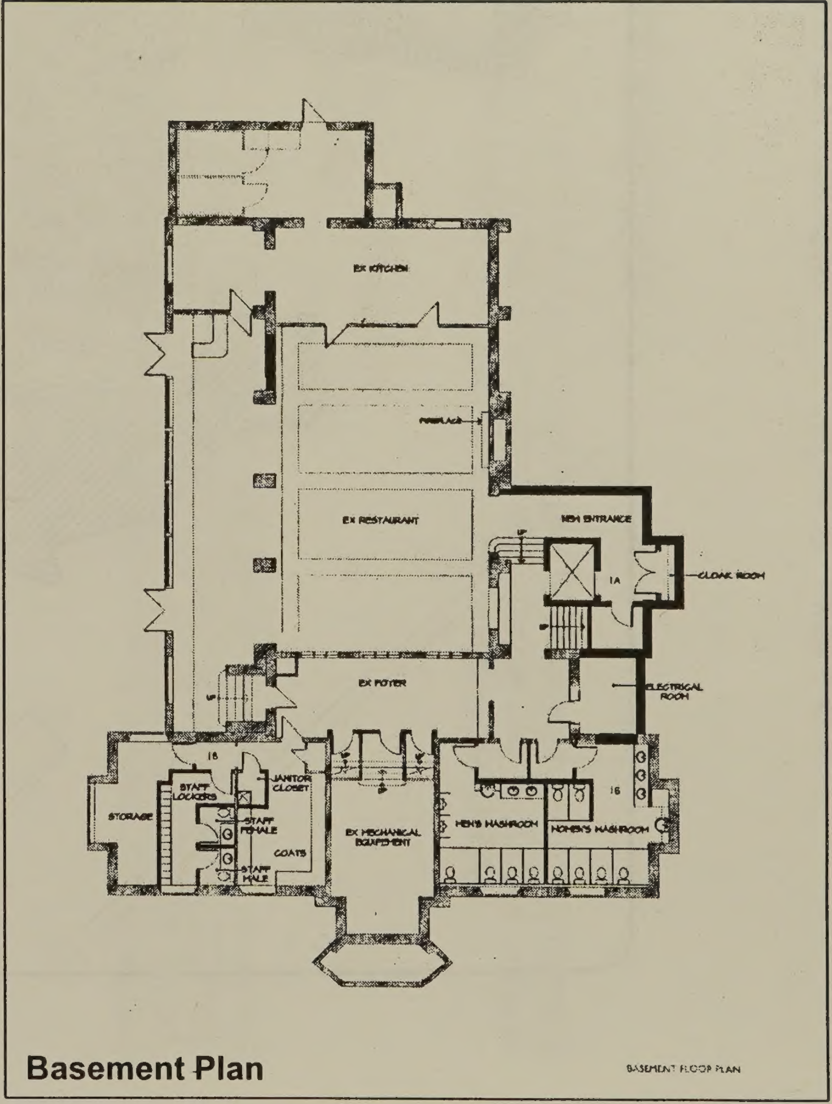
▨ **Subject Property**
1280 Main Street West

Filename/number	*1280_Main_St. W*
Date	*March 6,2002*
Technician	*NM*
Map Not to Scale	
Appendix "A"	



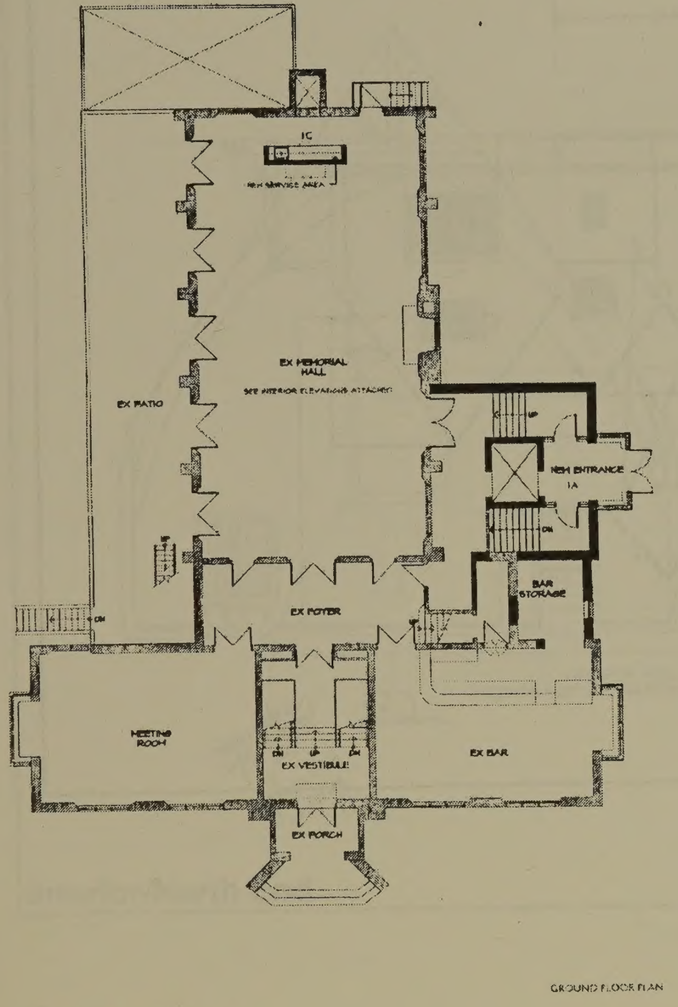
Site Plan

NEW FIRE HYDRANT
FUTURE DROP OFF NOT IN THIS APPLICATION
EXISTING HALL
STUCCO STORAGE SHED
LIGHT
UPGRADE EXISTING WALKWAY
NEW ENTRANCE ADDITION
EXISTING ALUMNI MEMORIAL BUILDING
EX TREE TO BE RELOCATED
NEW WALKWAY
WALKWAY
EX TREE TO BE RELOCATED
STEPS
ASPHALT WALKWAY
SITE PLAN
Additions and Alterations to
ALUMNI MEMORIAL HALL McMASTER UNIVERSITY
McCALLUM SATHER ARCHITECTS INC.
MARCH 5, 2003
1:300

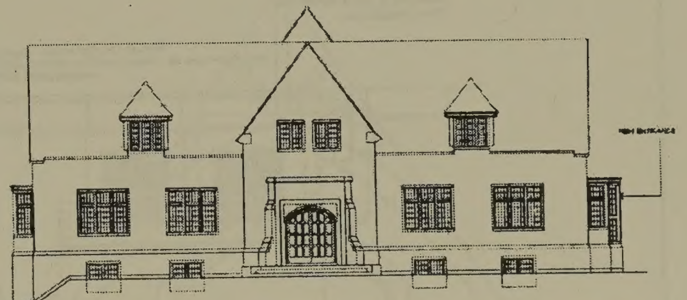


Basement Plan

EX KITCHEN
FIREPLACE
EX RESTAURANT
NEW ENTRANCE
1A
CLOAK ROOM
EX FOYER
ELECTRICAL ROOM
UP
1B
STAFF LOCKERS
JANITOR CLOSET
STAFF FEMALE
STAFF MALE
COATS
STORAGE
EX MECHANICAL EQUIPMENT
MEN'S WASHROOM
WOMEN'S WASHROOM
BASEMENT FLOOR PLAN

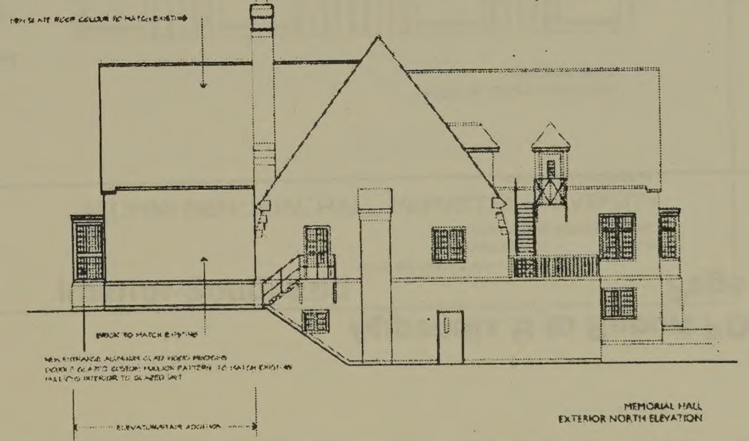

IC
NEW SERVICE AREA
EX MEMORIAL HALL
SEE INTERIOR ELEVATIONS ATTACHED
EX PATIO
UP
DN
NEW ENTRANCE 1A
BAR STORAGE
EX FOYER
MEETING ROOM
EX VESTIBULE
EX BAR
EX PORCH
GROUND FLOOR PLAN

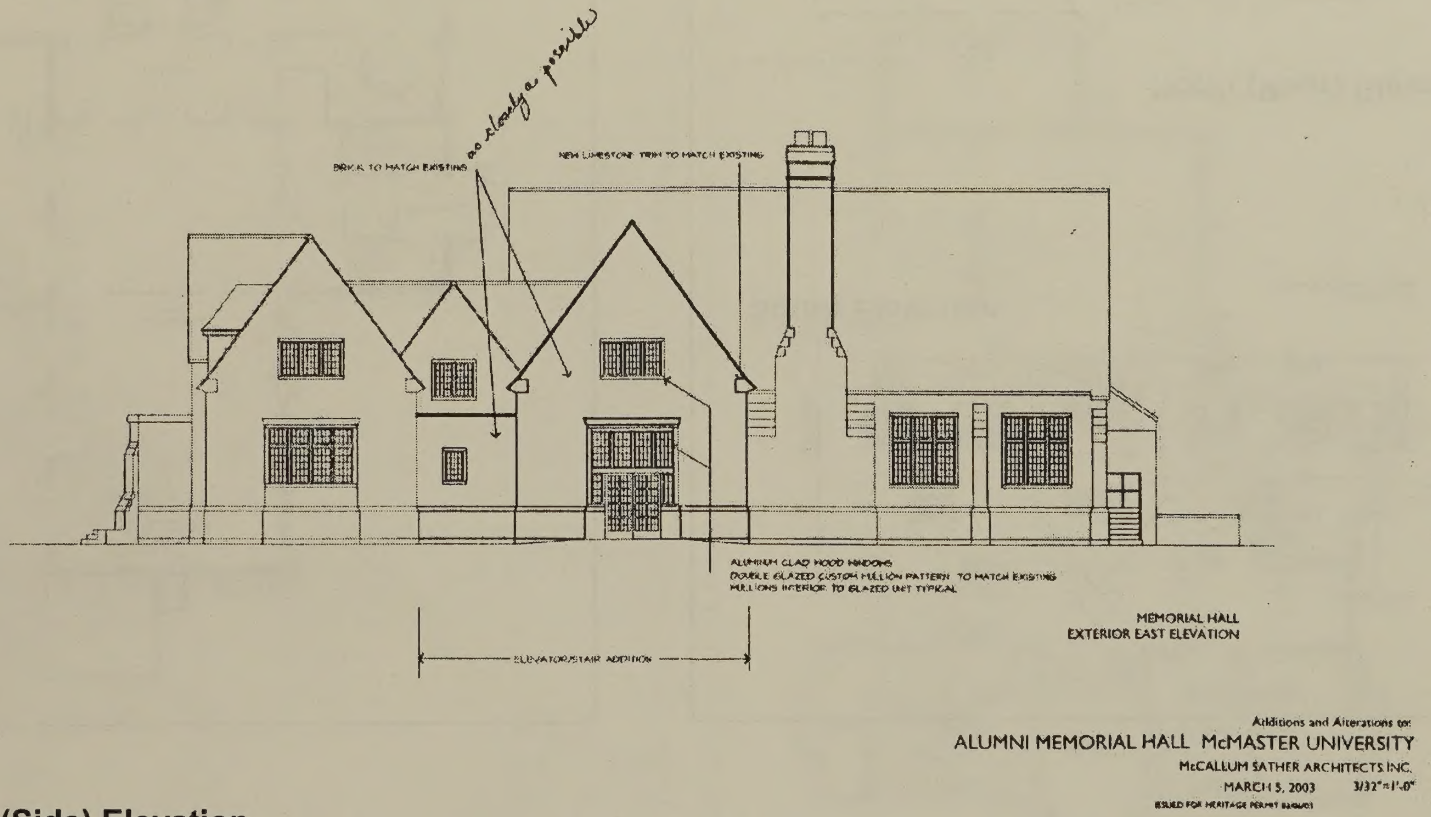
Ground Floor Plan


NEW ENTRANCE
MEMORIAL HALL
EXTERIOR SOUTH ELEVATION

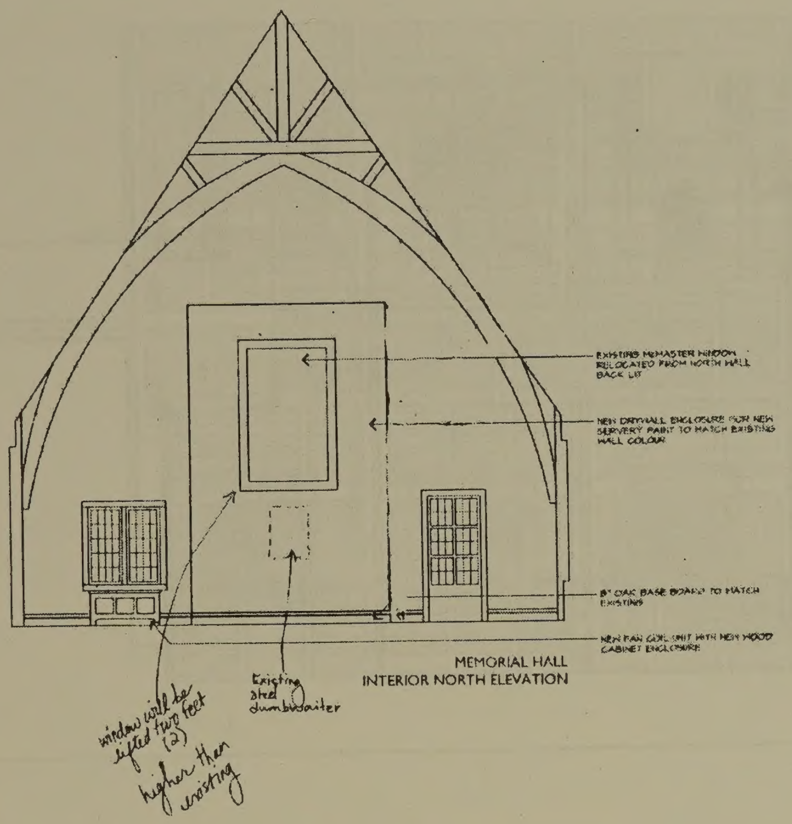
South Elevation

North (Rear) Elevation

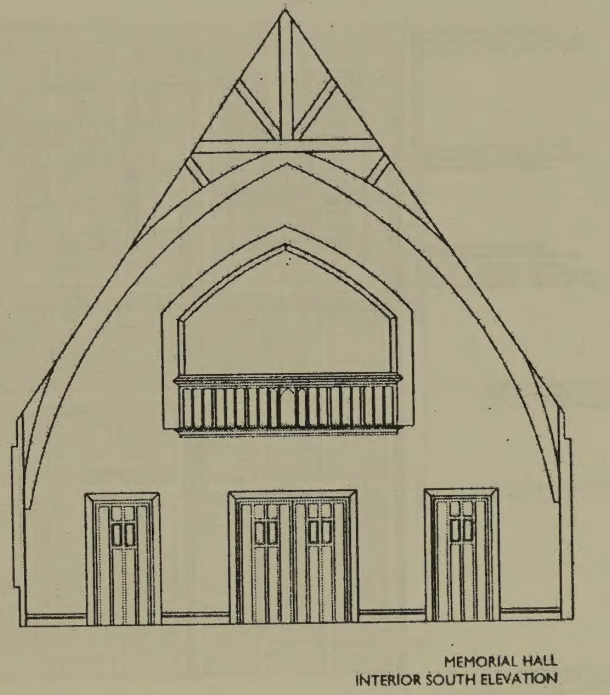

NEW SLATE ROOF COLOUR TO MATCH EXISTING
BRICK TO MATCH EXISTING
ELEVATOR/STAIR ADDITION
MEMORIAL HALL
EXTERIOR NORTH ELEVATION


as closely as possible
BRICK TO MATCH EXISTING
NEW LIMESTONE TRIM TO MATCH EXISTING
ALUMINUM CLAD WOOD WINDOWS
DOUBLE GLAZED CUSTOM MULLION PATTERN TO MATCH EXISTING
MULLIONS INTERIOR TO GLAZED UNIT TYPICAL
ELEVATOR/STAIR ADDITION
MEMORIAL HALL
EXTERIOR EAST ELEVATION
Additions and Alterations to:
ALUMNI MEMORIAL HALL McMASTER UNIVERSITY
McCALLUM SATHER ARCHITECTS INC.
MARCH 5, 2003
3/32"=1'-0"
ISSUED FOR HERITAGE PERMIT

East (Side) Elevation

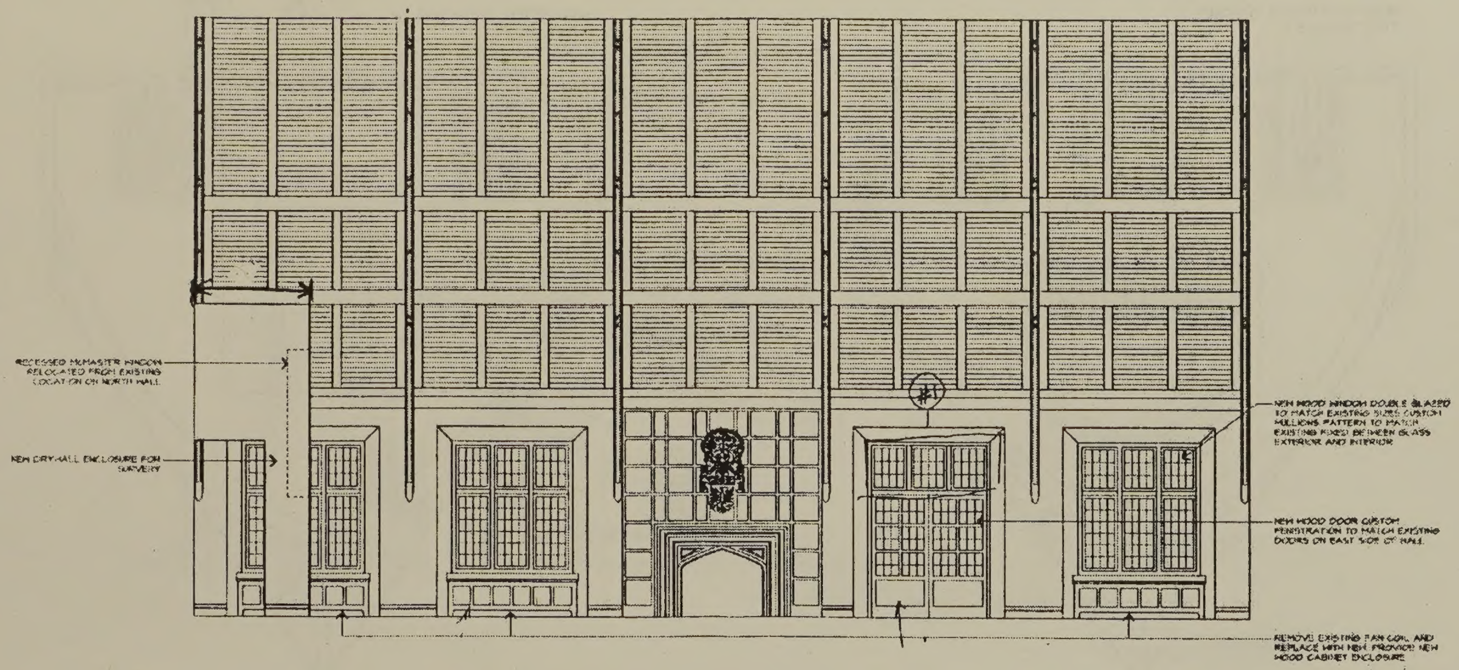

EXISTING McMASTER WINDOW RELOCATED FROM NORTH HALL BACK LIT
NEW DRYWALL ENCLOSURE FOR NEW SERVERY PAINT TO MATCH EXISTING WALL COLOUR
8" OAK BASE BOARD TO MATCH EXISTING
NEW FAN COIL UNIT WITH NEW WOOD CABINET ENCLOSURE
MEMORIAL HALL
INTERIOR NORTH ELEVATION
Existing steel dumbwaiter
window will be lifted two feet (2) higher than existing

Interior-North End


MEMORIAL HALL
INTERIOR SOUTH ELEVATION

Additions and Alterations to:
ALUMNI MEMORIAL HALL McMASTER UNIVERSITY
McCALLUM SATHER ARCHITECTS INC.
MARCH 5, 2003 3/16"=1'-0"
ISSUED FOR HERITAGE PERMIT 03/06/03

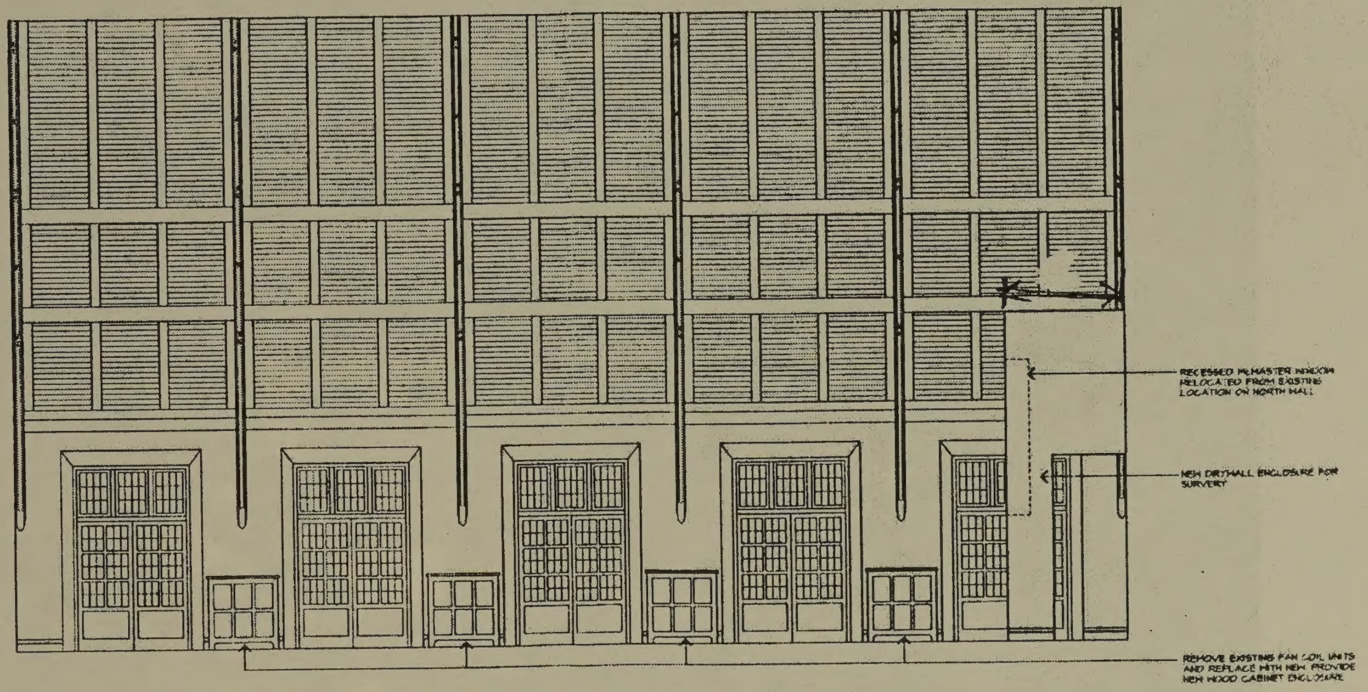
Interior-South End


RECESSED McMASTER WINDOW RELOCATED FROM EXISTING LOCATION ON NORTH WALL
NEW DRY-WALL ENCLOSURE FOR SURVERY
#1
NEW WOOD WINDOW DOUBLE GLAZED TO MATCH EXISTING SIZES CUSTOM MULLIONS PATTERN TO MATCH EXISTING FIXED BETWEEN GLASS EXTERIOR AND INTERIOR
NEW WOOD DOOR CUSTOM FENESTRATION TO MATCH EXISTING DOORS ON EAST SIDE OF HALL
REMOVE EXISTING FAN COIL AND REPLACE WITH NEW. PROVIDE NEW WOOD CABINET ENCLOSURE

MEMORIAL HALL
INTERIOR WEST ELEVATION

Additions and Alterations to:
ALUMNI MEMORIAL HALL McMASTER UNIVERSITY
McCALLUM SATHER ARCHITECTS INC.
MARCH 5, 2003 3/16"=1'-0"
ISSUED FOR HERITAGE PERMIT 03/06/03

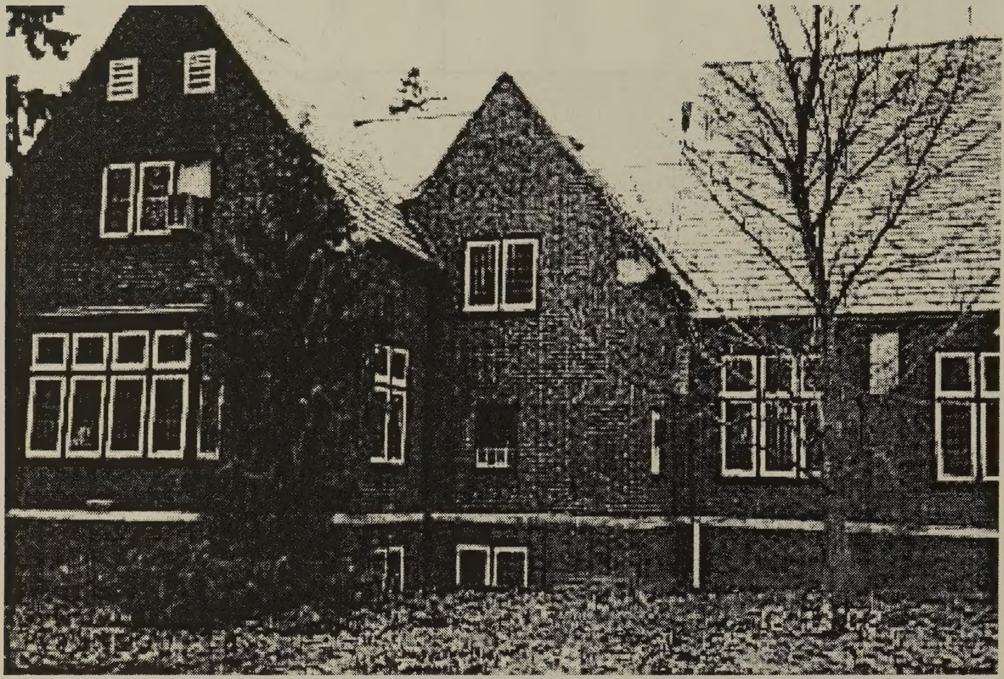
Interior-West


RECESSED McMASTER WINDOW RELOCATED FROM EXISTING LOCATION ON NORTH HALL
NEW DRYWALL ENCLOSURE FOR SURVERY
REMOVE EXISTING FAN COIL UNITS AND REPLACE WITH NEW. PROVIDE NEW WOOD CABINET ENCLOSURE

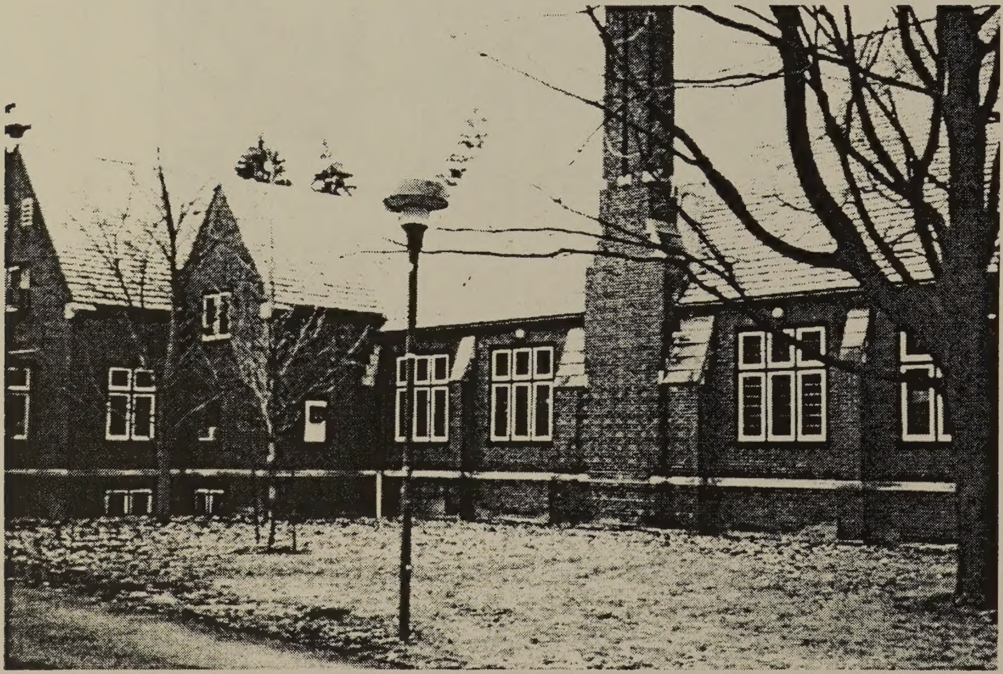
MEMORIAL HALL
INTERIOR EAST ELEVATION

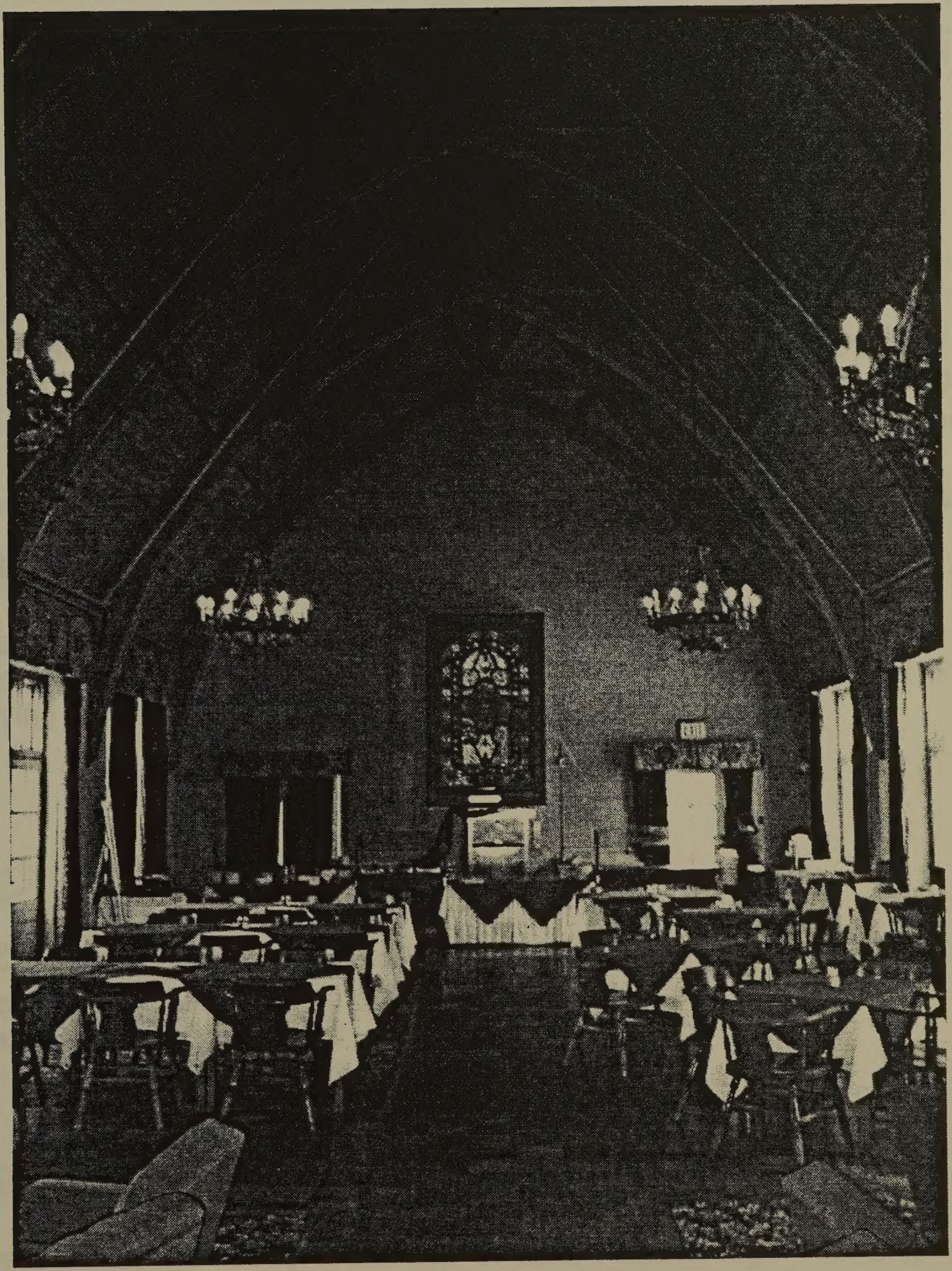
Additions and Alterations to:
ALUMNI MEMORIAL HALL McMASTER UNIVERSITY
McCALLUM SATHER ARCHITECTS INC
MARCH 5, 2003 3/16"=1'-0"
ISSUED FOR HERITAGE PERMIT 03/06/03

Interior-East



Alumni Memorial Hall – East side elevation





Interior of Alumni Memorial Hall – north end with window and dumbwaiter

AFFECTS
WARD 15

CITY OF HAMILTON

4.6

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	March 28, 2003 HP2003-005	**Prepared by:**	Stephanie Barber (905) 643-1262 Ext. 220 Rachelle Ennis (905) 643-1262 Ext. 202

SUBJECT: **Heritage Permit Application (HP2003-005) under Part IV of the Ontario Heritage Act to Permit the Replacement of Front Doors on the Existing Building at 25 Mill Street North, Waterdown in the former Town of Flamborough (PD03076) (Ward 15)**

RECOMMENDATION:

That Heritage Permit (HP2003-005) be approved for the replacement of front doors in accordance with the illustrations attached as Appendix "B" to Report PD03076, accompanying the permit application.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

25 Mill Street North, the former Township of East Flamborough Township Hall, was designated under Part IV of the Ontario Heritage Act in 1978 (By-law number 78-21-H). This two-storey stone building was constructed in 1857 and is an "excellent example of the Classical Style of public stone buildings" erected in Ontario during the first half of the 19th century. The existing double leaf front doors are included in the Reasons for Designation. The applicant proposes to replace the front doors due to their deteriorated state.

BACKGROUND:

25 Mill Street North (as shown on Appendix "A" to Report PD03076) is designated under Part IV of the Ontario Heritage Act and as such, a Heritage Permit Application must be submitted for any proposed work that affects the Reasons for Designation. The subject property is the former Township Hall of the Township of East Flamborough and is designed in the classical style. The building currently houses the Waterdown branch of the Hamilton Public Library and is owned by the City of Hamilton.

The building has a front gable roof, stone exterior walls, and symmetrical front façade with 4 elegant Georgian rectangular windows and a tall arched window in the middle of the front façade on the second storey. There is a central front entrance with a transom above the door. The reasons for designation under Part IV of the Ontario Heritage Act include a number of features including "the double leaf front doors" contained in the central front entrance.

The existing doors, (likely installed during the 1960s, as shown on Appendix "C" to Report PD03076) are constructed of wood. The doors are in an advanced stage of deterioration and are no longer effective in providing effective protection from the weather.

ANALYSIS OF ALTERNATIVES:

The applicant is proposing to replace, but replicate the existing front wood doors with new metal doors. The new units are intended to resemble the existing doors (painted white) aside from the upper panel which is to be glazed (as shown on Appendix "B" to Report PD03076). Replacement wood doors were discussed as an alternative, but it is unlikely that these would provide the desired life span, security and cost efficiencies afforded by metal units.

Critical factors in the evaluation of any change affecting a heritage building are "displacement effects" (those adverse actions that result in the damage, loss or removal of valued heritage features) and "disruption effects" (those actions that result in detrimental changes to the setting or character of a heritage feature). The application will not entail displacement effects of original heritage fabric. Disruption effects are considered to be minor.

The proposed new doors will not result in significant adverse impacts to this heritage building.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – Not applicable.

Legal – 25 Mill Street North is designated under Part IV of the Ontario Heritage Act.

POLICIES AFFECTING PROPOSAL:

Official Plan policies of the former Town of Flamborough support the conservation, protection and management of cultural heritage features. Approval of this heritage permit would not conflict with these policies.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

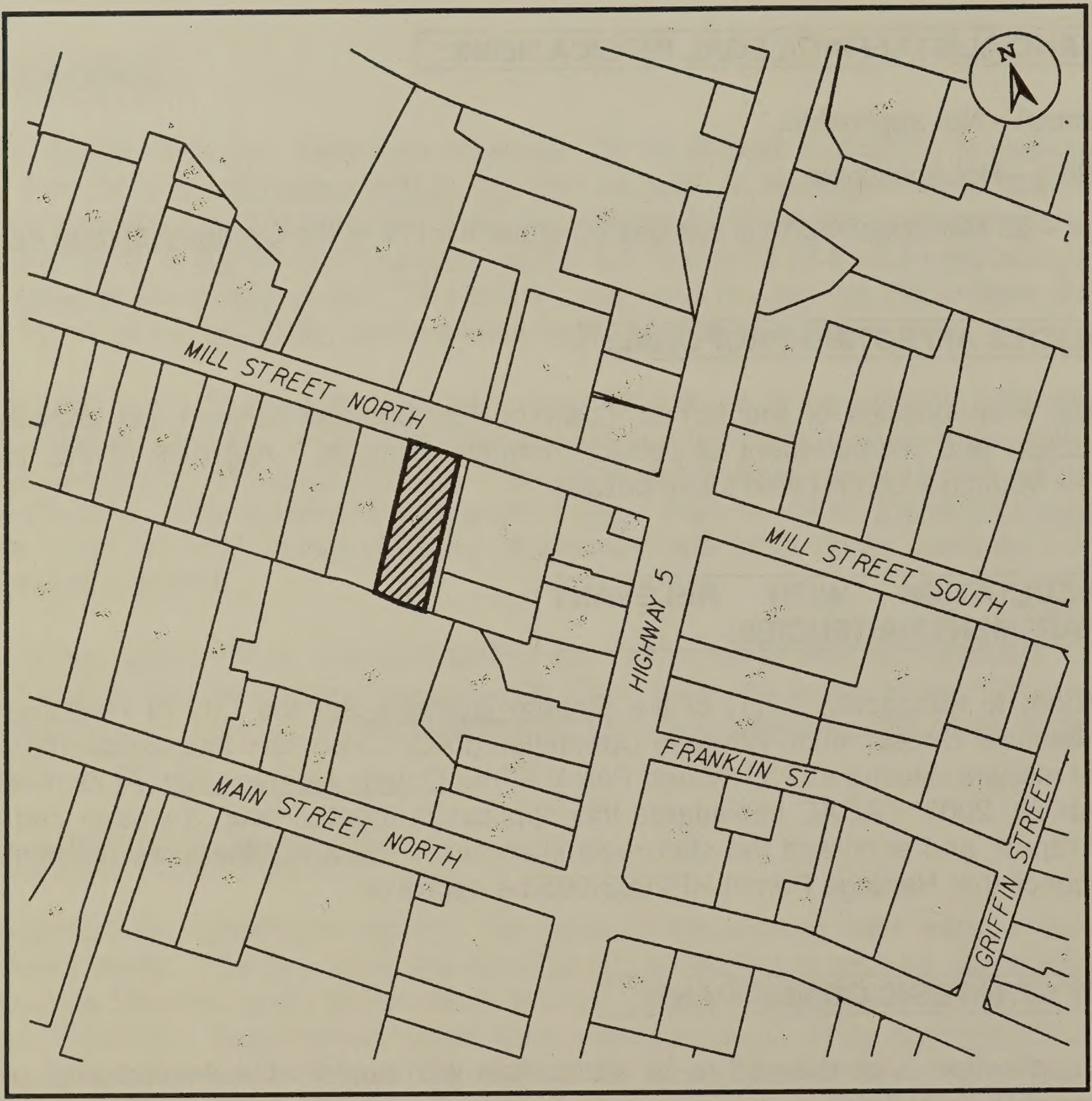
Pursuant to subsection 28(1) of the Ontario Heritage Act the City of Hamilton Local Architectural Conservation Advisory Committee (LACAC) advises and assists the council on all matters relating to Part IV and Part V of the Ontario Heritage Act. At its meeting of March 20, 2003, LACAC considered this application together with a written and verbal staff report, and endorsed the staff recommendation. LACAC therefore recommended to Council that Heritage Permit HP2003-005 be approved.

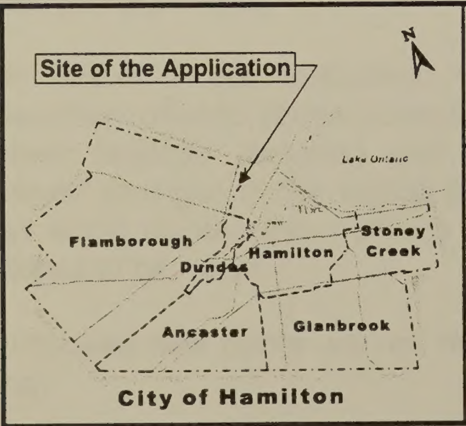
CITY STRATEGIC COMMITMENT:

The application is considered to be compatible with sustainable development and the values of VISION 2020.

SB/re
Attachs. (3)

Appendix "A" to Report PD03076
Page 1 of 1


N
MILL STREET NORTH
MILL STREET SOUTH
HIGHWAY 5
FRANKLIN ST
GRIFFIN STREET
MAIN STREET NORTH


N
Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
25 Mill Street North

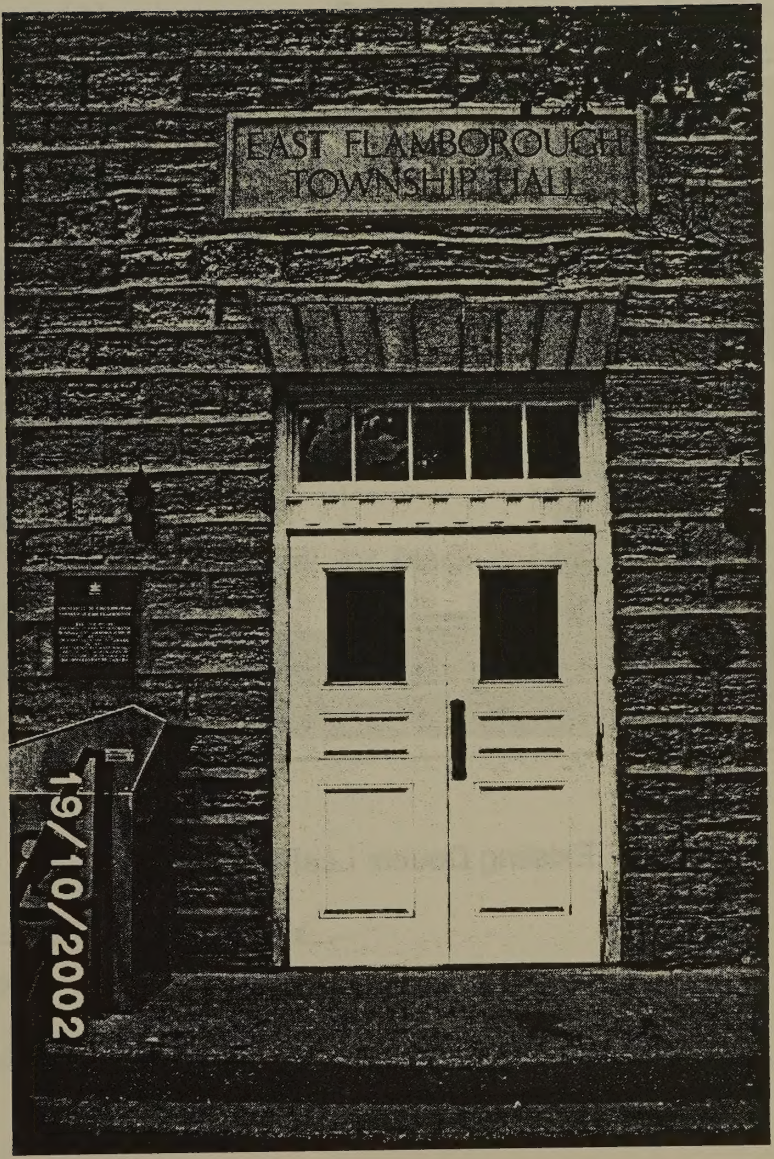
Filename/number
25 Mill St. N.

Date
January 8, 2003

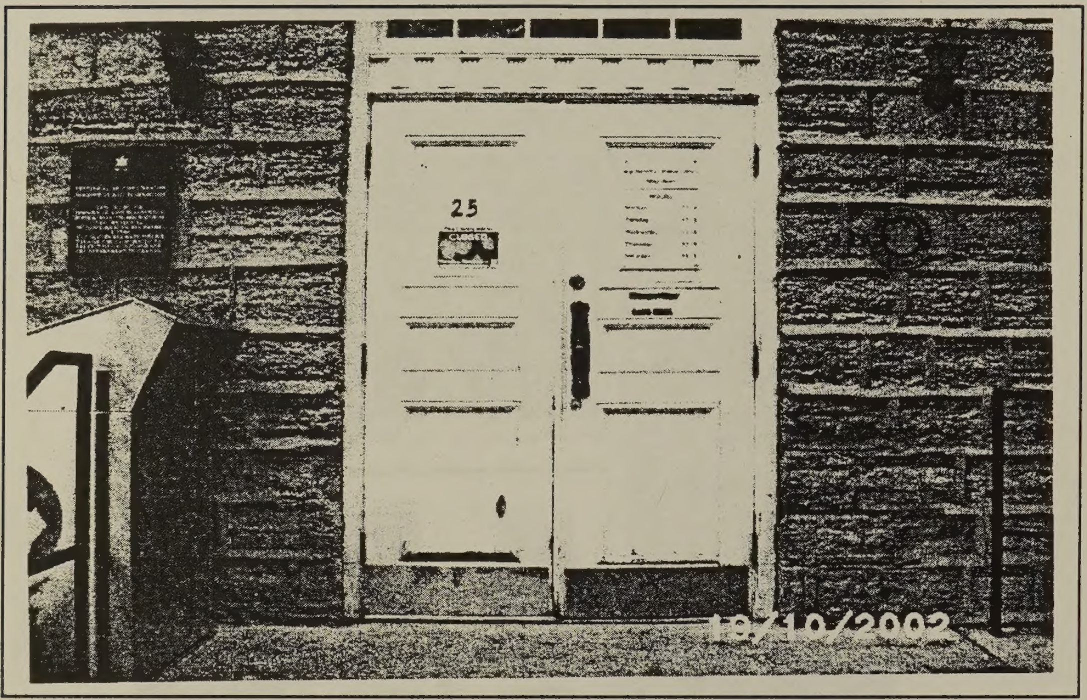
Technician:
NM

Map Not to Scale

Appendix "A"


EAST FLAMBOROUGH
TOWNSHIP HALL
19/10/2002

Proposed Replacement Doors


25
CLOSED
19/10/2002

Existing Double Leaf Doors

AFFECTS
WARD 12

CITY OF HAMILTON

4.7

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	March 28, 2003	**Prepared by:**	Stephanie Barber
File:	HP2003-003		(905) 643-1262 Ext. 220

SUBJECT: Heritage Permit Application (HP2003-003) under Part IV of the Ontario Heritage Act to Permit the Addition of Black Coach Lanterns to an Existing Building at 398 Wilson Street East, Former Town of Ancaster (PD03051(a)) (Ward 12)

RECOMMENDATION:

That the previously withheld approval for black coach lanterns comprising part of heritage permit application HP2003-003 be approved in accordance with the photographs attached as Appendix "B" to Report PD03051(a), accompanying the permit application.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

398 Wilson Street East was designated under Part IV of the Ontario Heritage Act in 1978. This two-storey stone building was constructed *circa* 1850 and is an example of Georgian architecture. The applicant proposes to add black coach lanterns to the front façade of the building.

BACKGROUND:

398 Wilson Street East is designated under Part IV of the Ontario Heritage Act and as such, a Heritage Permit Application must be submitted for any proposed work that alters the exterior of the building or structure. The subject property is located in the Ancaster village core near the corner of Academy Street (as shown on Appendix "A" to Report PD03051(a)). The subject building is a former dwelling designed in the Georgian style and was constructed *circa* 1850. The building has a side gable roof, rubble stone exterior walls, and symmetrical front façade with 5 rectangular windows and central front entrance with a transom above the door. A previous heritage permit application that included a request to mount coach lanterns on the front elevation was withheld, as it was not confirmed whether or not there were existing holes and wiring. Staff has verified that there are existing holes and wiring that will be used for the new lanterns. The proposed lanterns will not result in significant adverse impacts to this heritage building. The Heritage Permit Review Subcommittee of LACAC has reviewed this application and has no objections to the proposed coach lanterns.

ANALYSIS OF ALTERNATIVES:

The building owner wishes to install black coach lanterns on the front elevation. Critical factors in the evaluation of any change affecting a heritage building are "displacement effects" (those adverse actions that result in the damage, loss or removal of valued heritage features) and "disruption effects" (those actions that result in detrimental changes to the setting or character of a heritage feature). The proposed decorative exterior fixtures are considered to be reversible (i.e. capable of being removed yet leaving the building intact.

The applicants will use existing holes and brackets to install the lanterns; therefore they will not result in displacement effects to identified heritage features. The proposed fixtures do not permanently change the original appearance of the historical building and will not result in any major disruption effects.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – Not applicable.

Legal – 398 Wilson Street East is designated under Part IV of the Ontario Heritage Act.

POLICIES AFFECTING PROPOSAL:

Official Plan policies of the former Town of Ancaster support the conservation, protection and management of cultural heritage features. Approval of this heritage permit would not conflict with these policies.

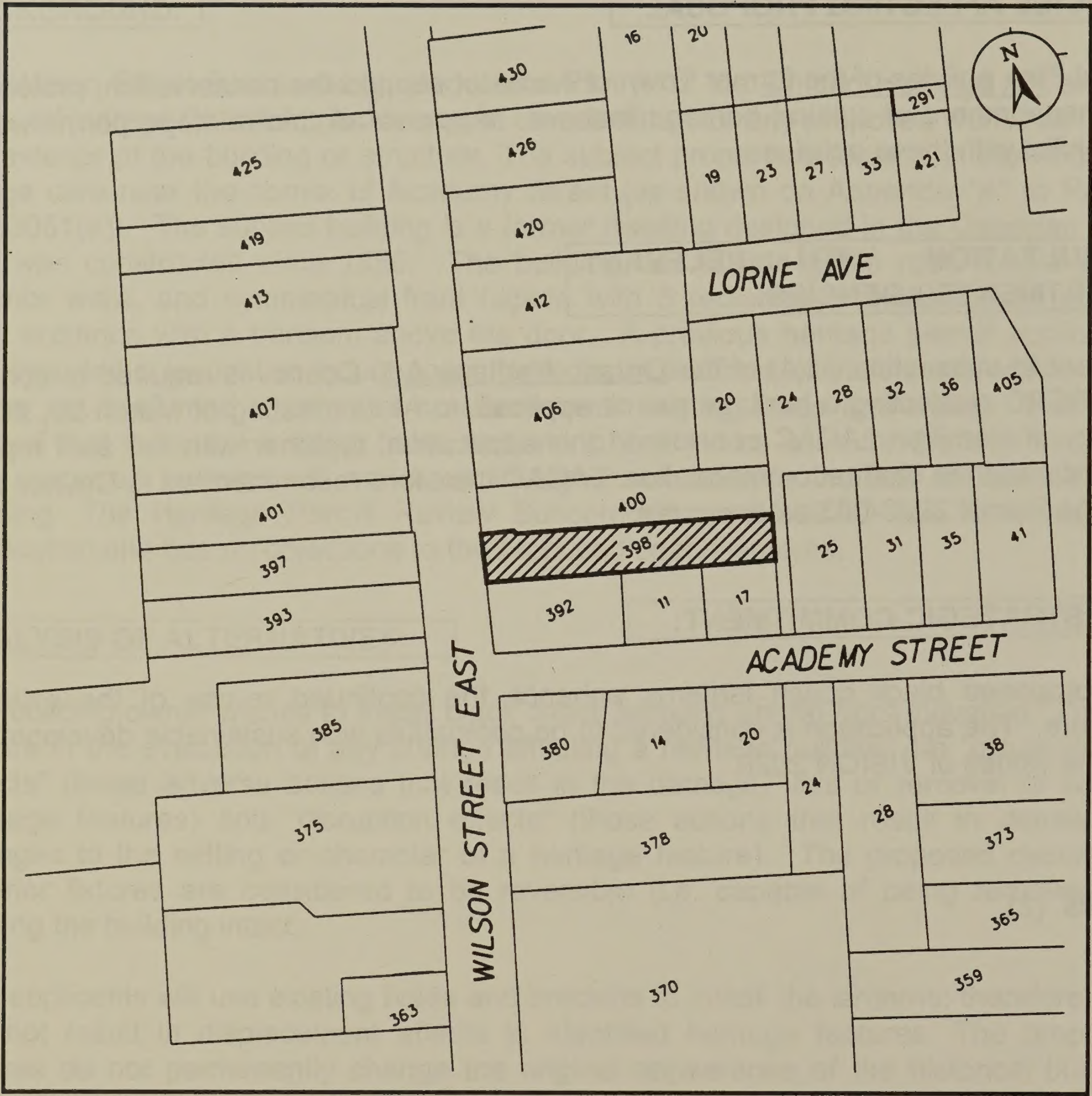
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

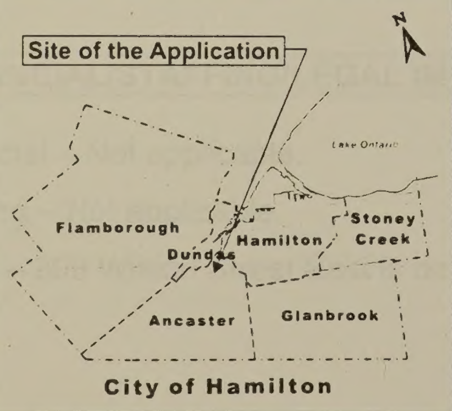
Pursuant to subsection 33(4) of the Ontario Heritage Act, Council is required to consult with LACAC respecting a heritage permit application. At its meeting of March 20, 2003, the City of Hamilton LACAC considered this application, together with the staff report, and endorsed the staff recommendation. LACAC therefore recommended to Council that Heritage Permit 2003-003 be approved.

CITY STRATEGIC COMMITMENT:

The proposed black coach lanterns enhance the continued re-use of the existing structure. The application is considered to be compatible with sustainable development and the values of VISION 2020.

:sb
Attachs. (2)


N
LORNE AVE
ACADEMY STREET
WILSON STREET EAST
16
20
291
430
426
19
23
27
33
421
425
419
420
413
412
407
406
20
24
28
32
36
405
401
400
398
25
31
35
41
397
393
392
11
17
385
380
14
20
38
24
28
375
378
373
365
370
359
363


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
398 Wilson Street East

Hamilton

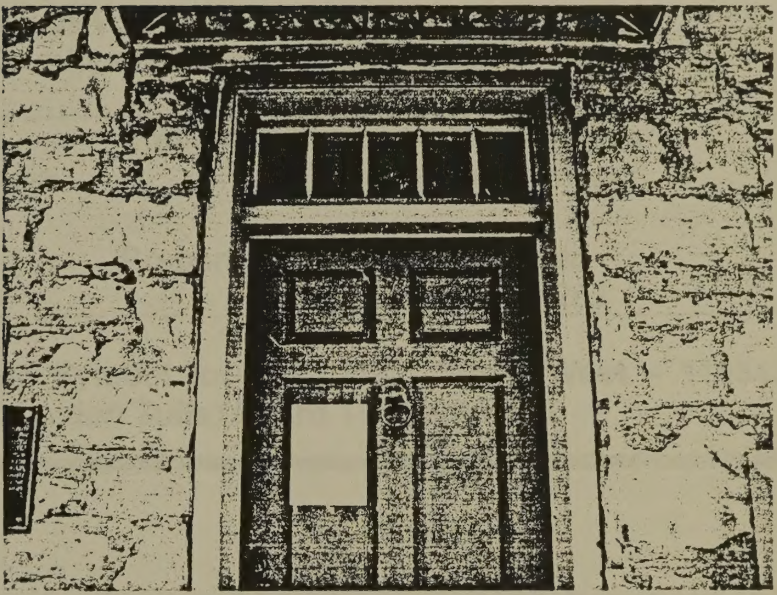
Filename/number
398 Wilson St E

Date
February 12, 2003

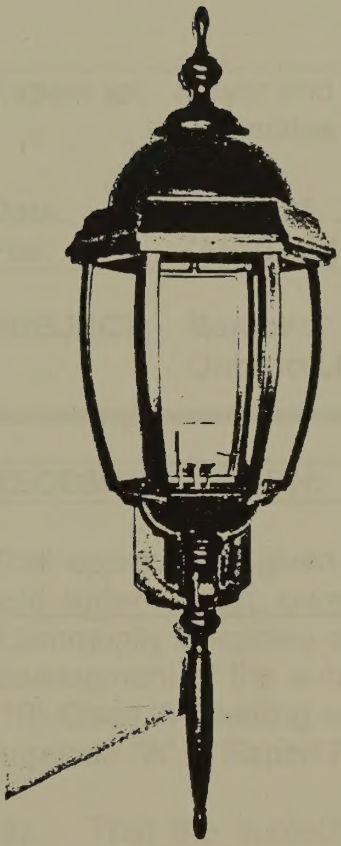
Technician:
CL

Map Not to Scale

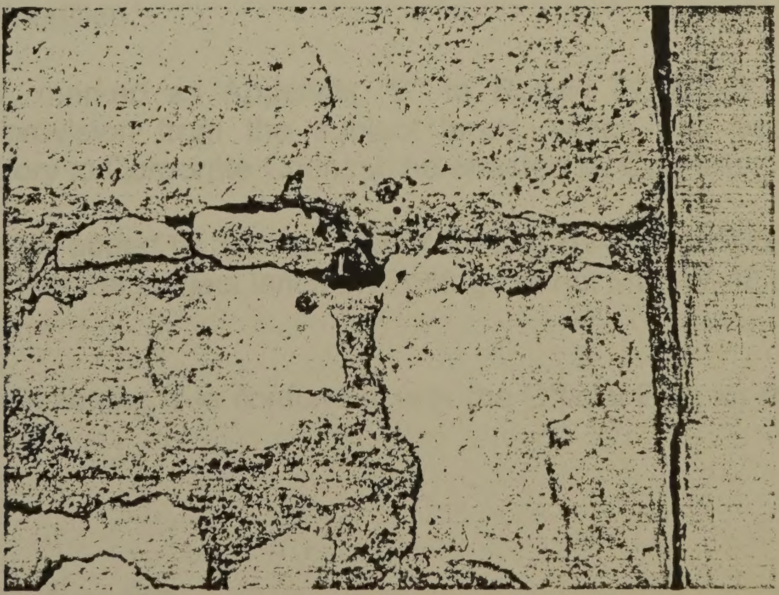
Appendix "A"



Front façade detail- existing holes and wiring



Proposed coach lamp



Existing hole and wiring

AFFECTS WARD 1

4.8

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	March 28, 2003	**Prepared by:**	G. Macdonald (905) 546-4283
File:	ZAR-02-94		

SUBJECT: Removal of Holding Symbol for 1590 Main Street West – 1165435 Ontario Limited (c/o Aiden Tuite) (Ward 1) (PD03073)

RECOMMENDATION:

That approval be given to **Zoning Application ZAR-02-94, 1165435 Ontario Limited (c/o Aiden Tuite), owner**, for removal of the Holding provision for lands zoned "H"-'H' (Community Shopping and Commercial, Etc. - Holding) District, Modified, to permit the development of the subject lands for a multiple dwelling, containing a maximum of ten (10) Class A dwelling units, for lands located at 1590 Main Street West, as shown on Appendix "A" to Report PD03073, on the following basis:

(a) That the subject lands be rezoned from "H" - 'H' (Community Shopping and Commercial, Etc. – Holding) District, Modified, to "H" (Community Shopping and Commercial, Etc.) District, Modified;

(b) That the attached By-law, marked as Appendix "B" to Report PD03073, to remove the Holding 'H' provision from the subject lands, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by Council;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1475a, and that the subject lands on Zoning District Map W-46 be noted as S-1475a; and,

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The applicant has applied for a Zoning By-law Amendment, to remove the 'H' Holding provision for lands located at 1590 Main Street West, as shown on the attached map marked as Appendix "A".

City Council approved Zoning Application ZAC-02-16, at its meeting of May 15, 2002. The application was for a modification to the existing "H" (Community Shopping and Commercial, Etc.) District provisions, to permit the development of the subject lands for a multiple dwelling containing a maximum of ten (10) Class A dwelling units.

Under the provisions of By-law No. 02-291, passed by City Council on October 9, 2002, the subject lands were placed in a Holding Zone, pursuant to the Holding provisions of Section 36(1) of the Planning Act. Removal of the Holding provision is conditional upon the applicant satisfying the following condition:

(1) That the applicant/owner has submitted a signed Record of Site Condition (RSC) to the Ministry of Environment (MOE). This RSC must be to the satisfaction of the General Manager, Planning and Development Department, including acknowledgement of receipt of the RSC from the Ministry of the Environment.

The applicant submitted a signed Record of Site Condition to the MOE on December 11, 2002. The acknowledgement of receipt of the RSC from the MOE was received by the City of Hamilton on March 7, 2003.

Based on the above, the Zoning Amendment application for the removal of the Holding symbol provision can be supported.

BACKGROUND:

Zoning Application ZAC-02-16

On May 15, 2002, Council approved Zoning Application ZAC-02-16, for a modification to the existing "H" (Community Shopping and Commercial, Etc.) District provisions to permit a multiple dwelling containing a maximum of ten (10) Class A dwelling units on the subject land.

By-law 02-291, passed by City Council on October 9, 2002, placed the subject lands in an 'H' – Holding zone, until the owner had submitted a signed Record of Site Condition to the Ministry of Environment and the Planning and Development Department received an acknowledgement of receipt of the RSC by the MOE.

Site Plan Control Application DA-02-187

Site Plan Control Application DA-02-187, for the construction of a ten (10) unit multiple dwelling on the property located at 1590 Main Street West, is presently under review. The proposed site plan includes a landscaped area on the west and north sides of the proposed building and a landscaped planting strip along Binkley Road. Parking for residents would be accommodated through thirteen (13) underground parking spaces.

Details of Submitted Application

Owner/Applicant: 1165435 Ontario Limited (c/o Aiden Tuite)

ANALYSIS OF ALTERNATIVES:

As the subject lands are currently vacant, should this application not be approved, the applicant will not be able to proceed with the use of the subject property for any uses, including a multiple dwelling, until such time that the 'H' holding provision has been removed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial:	No implications on financial resulting.
Staffing:	No implications on staffing resulting.
Legal:	Council approval of a By-law Amendment to remove the Holding symbol is required under the Planning Act. A Public Hearing is not required, however, notice of the intent to pass the By-law must be given.

POLICIES AFFECTING PROPOSAL:

City of Hamilton Official Plan

The subject lands are designated "Commercial" on Schedule 'A' – Land Use Concept of the Official Plan. Official Plan Amendments are not required to permit residential uses in lands designated Commercial. The Official Plan promotes the conversion of under-utilized commercial space to residential space. The proposed multiple dwelling is of a scale and character compatible with existing commercial and residential development in the area. Official Plan policies addressing visual amenity, landscaping, and access are being addressed through the Site Plan Review process. The proposal complies with the intent of the Official Plan.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

- The Public Works Department (Traffic Engineering and Operations Section) had no comments or objections to the removal of the 'H' Holding Provision.

- The Ministry of Environment has acknowledged the submitted Record of Site Condition, dated December 11, 2002. The Ministry of Environment did not audit the site.

CITY STRATEGIC COMMITMENT:

The proposed change in zoning would not have any negative social, health, or environmental impacts. The proposal meets the goals of Vision 2020. The proposal includes improved landscaping and provides adequate parking spaces.

COMMENTS:

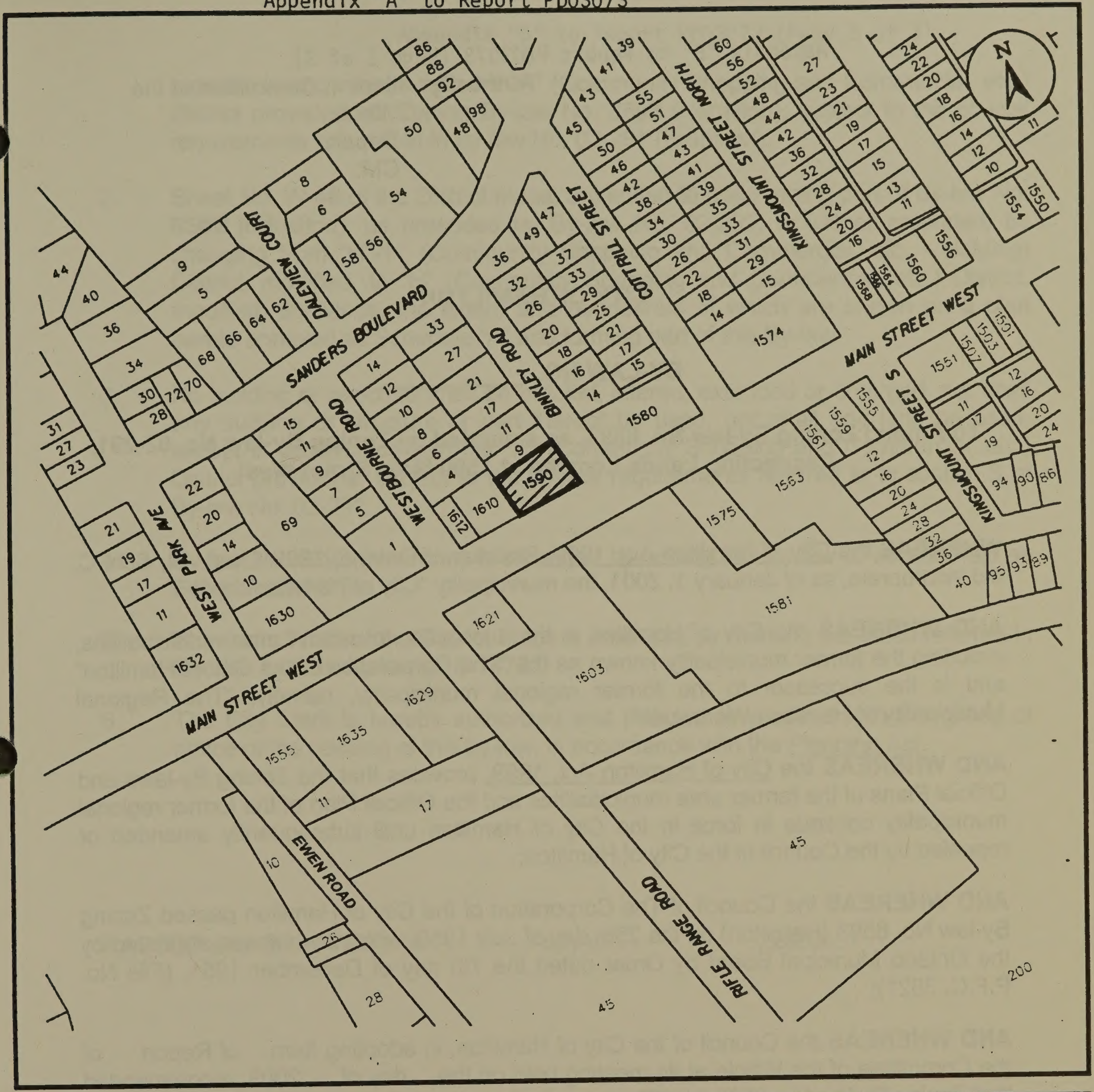
The applicant submitted a signed Record of Site Condition to the MOE on December 11, 2002. The City of Hamilton received the acknowledgement of receipt of the RSC from the MOE on March 7, 2003. As the applicant has satisfied the Holding zone requirements of By-law No. 02-291, it is recommended that the 'H' (Holding) symbol be removed.

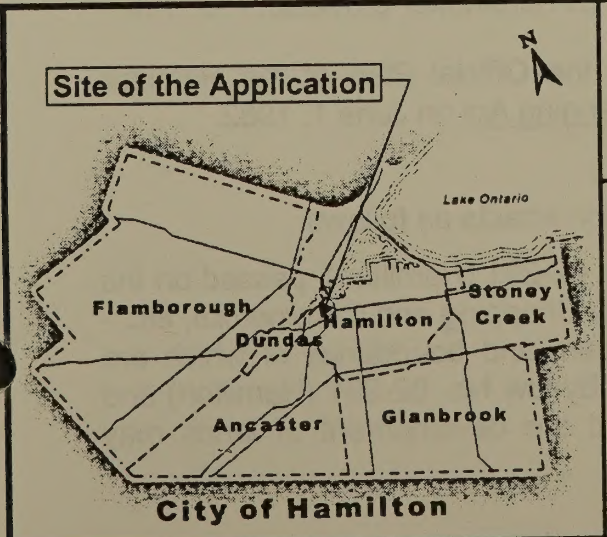
CONCLUSION:

Based on the above, the Zoning Amendment application for the removal of the Holding 'H' symbol provision can be supported.

:GM
Attachs. (2)

Appendix "A" to Report PD03073


N
MAIN STREET WEST
SANDERS BOULEVARD
DALEVIEW COURT
WESTBOURNE ROAD
BINKLEY ROAD
COTTRILL STREET
KINGSMOUNT STREET NORTH
KINGSMOUNT STREET S
WEST PARK AVE
EWEN ROAD
RIFLE RANGE ROAD
1590


N
Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
1590 Main Street West

"Removal of the "H" Symbol from the "H"-'H' (Community Shopping and Commercial, Etc. - Holding) District Zoning".

Filename/number
ZAR-02-94

Date
January 6, 2003

Technician:
LC

Map Not to Scale

Appendix "A"

Authority: Item , Committee of the Whole
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. ________

To Amend Zoning By-law No. 6593, as amended by Zoning By-law No. 02-291, Respecting Lands Located at 1590 Main Street West

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report of the Committee of the Whole at its meeting held on the day of 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 02-291 (Hamilton), passed on the 9th of October, 2002, to the "H"-'H' (Community Shopping and Commercial, etc. - Holding) District, respecting the lands the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 02-291 (Hamilton) and forming part thereof, is hereby removed, and the development of lands may

proceed in accordance with the “H” (Community Shopping and Commercial, etc.) District provisions of Zoning By-law No. 6593 (Hamilton), subject to the special requirements referred to in By-law No. 02-291 (Hamilton).

2. Sheet No. W-46 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended by By-law No. 02-291, is further amended, by changing from “H”-‘H’ (Community Shopping and Commercial, etc. - Holding) District, modified, to “H” (Community Shopping and Commercial, etc.) District, modified, the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” and forming part of this By-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" (Community Shopping and Commercial, etc.) District provisions, subject to the special requirements referred to in section 3 of By-law No. 02-291.

4. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1475a.

5. Sheet No. W-46 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1475a.

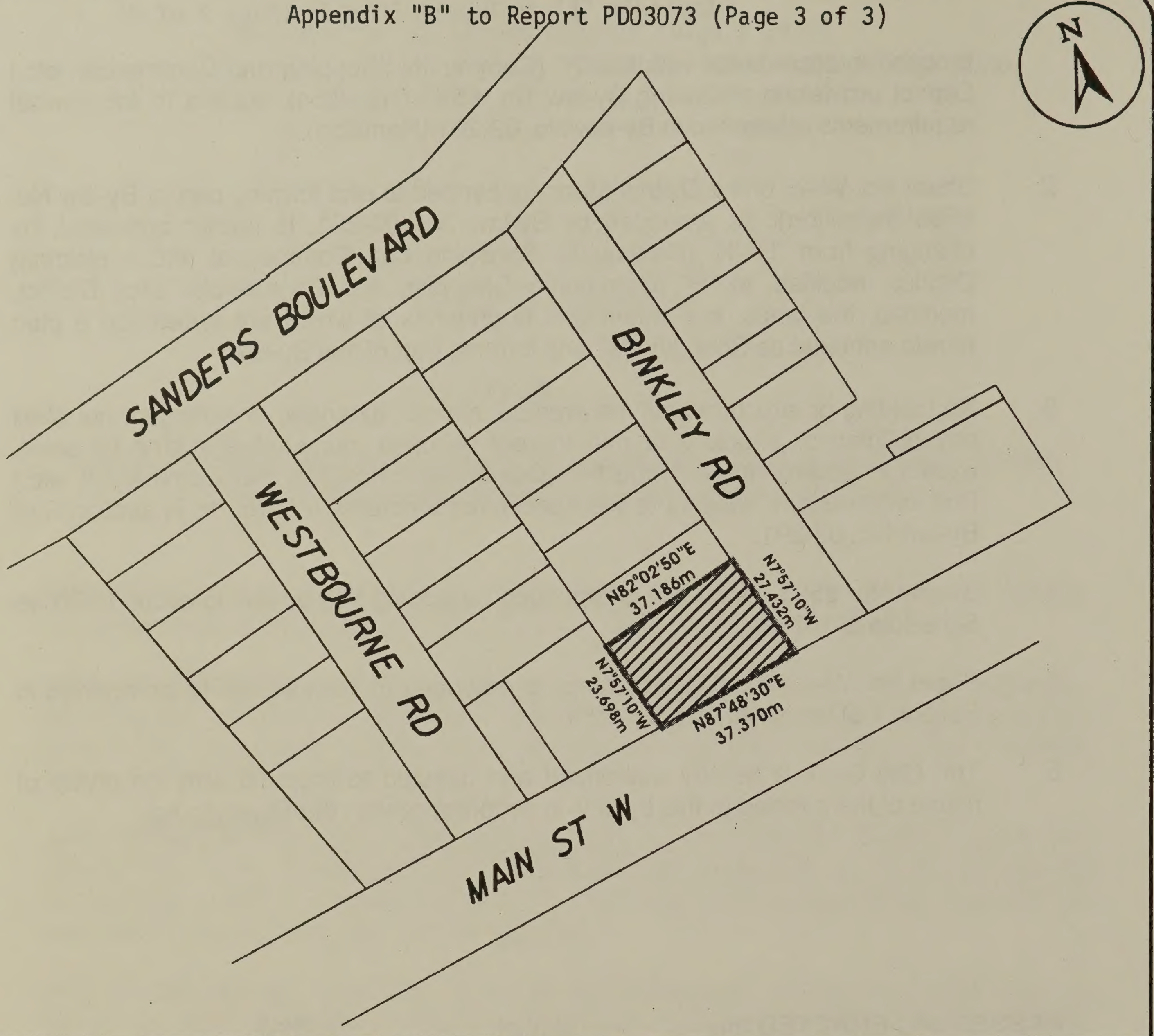
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2003.

MAYOR

CLERK

Appendix "B" to Report PD03073 (Page 3 of 3)


N
SANDERS BOULEVARD
BINKLEY RD
WESTBOURNE RD
N82°02'50"E
37.186m
N7°57'10"W
27.432m
N7°57'10"W
23.698m
N87°48'30"E
37.370m
MAIN ST W

This is Schedule "A" to By-Law No. 03—

Passed the .... day of .... ,2003

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-____
to Amend By-Law No. 6593

Hamilton

Planning and Development Department

Legend

▨ **Subject Property**
"Removal of the Holding "H" Symbol from the "H"-'H' (Community Shopping and Commercial, Etc.-Holding) District Zoning"

North	Scale NOT TO SCALE	Reference File No. *ZAR-02-94*
	Date *March 25, 2003*	Drawn By *LC*

AFFECTS WARD 2

CITY OF HAMILTON

4.9

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	March 28, 2003 EZ03/001	**Prepared by:**	Ron Marini, Ext. 4178 James Goodram, Ext 6109

SUBJECT: Enterprise Zone – Application EZ03/001 (14 Mary Street) (PD03083) - (Ward 2)

RECOMMENDATION:

(a) That Lyric Century Apartments Incorporated's proposed conversion and adaptive re-use of the former Century Theatre to a 97 residential rental unit building at 14 Mary Street with associated parking facilities at 18 Mary Street (Application EZ03/001) be accepted by the City as an eligible project for consideration and application of the Enterprise Zone's Municipal Realty Tax Incentive Grant Program in accordance with program terms.

(b) That the Local Architectural Conservation Advisory Committee (LACAC) and Heritage Planning staff be authorized and directed to remove 18 Mary Street from the City's Inventory of Buildings of Architectural and/or Historical Interest.

(c) That Downtown Renewal Division staff continue to process Application EZ03/001 in concert with appropriate staff from Corporate Services and Legal Services.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Report PD03083 summarizes an application for a municipal realty tax incentive grant under the terms of the City's "Municipal Realty Tax Incentive Grant Program" for properties located within the "Enterprise Zone" of Downtown Hamilton. The application, submitted by Lyric Century Apartments Incorporated, relates to its properties municipally known as 14 and 18 Mary Street, Hamilton. The location is illustrated in

Appendix "A" to Report PD03083. The proposed development involves the conversion and adaptive re-use of the former Century Theatre at 14 Mary Street, which is presently vacant to a 97 residential rental unit building.

The building at 18 Mary Street is presently listed in the City's Inventory of Buildings of Architectural and/or Historical Interest and is being used commercially for a retail store known as "Leathers". Lyric Century Apartments Incorporated has purchased this property and wishes to demolish the existing building and use the property as a parking lot for apartment tenants. The City owns the alleyway between 14 and 18 Mary Street; however, the applicant has submitted an application to purchase this alleyway from the City, which is to be incorporated within their development plans. It is intended that these three properties will merge in common title. There is also a joint report submitted for Council's consideration by Lyric Century Apartments Inc. under the terms of the Hamilton Downtown Residential Loan Program.

The proposed development meets all of the criteria of the Municipal Realty Tax Incentive Grant Program and conforms with the intent of the Secondary Plan.

BACKGROUND:

City Council, at its meeting held August 22, 2002, approved that the Enterprise Zone Municipal Realty Tax Incentive Grant Program be expanded to the full limits of the Downtown Hamilton Community Improvement Project Area together with program refinements. The Province approved the original program as an amendment to the Downtown Hamilton Community Improvement Plan to apply to properties within the Downtown Hamilton and International Village Business Improvement Areas, on October 22, 2001.

As a first step, applications are submitted to Council to determine if the proposal meets the terms of the program and whether or not the project is acceptable to the City.

Subsequently, when the proposed project's improvements have been carried out, the improvements' effect (if any) on assessment and on realty taxes, will be reviewed by staff. A further report would then be submitted for Council's consideration of an amount of a Municipal Tax Grant (if any) that may, under the program, be paid over a ten (10) year period.

The Lyric Century Apartments Incorporated Application (EZ03/001) regarding its properties known as 14 and 18 Mary Street, proposes the conversion and adaptive re-use of the former Century Theatre at 14 Mary Street to a 97 residential rental unit building at an estimated cost of $9,500,000. The applicant proposes to demolish the building at 18 Mary Street and acquire the City's alleyway between 14 and 18 Mary Street to use as an associated parking lot for apartment tenants. The application is accompanied by construction estimates. The subject properties, located on Mary Street, Hamilton, are within the Enterprise Zone of the Downtown Hamilton Community Improvement Plan. There is also a companion report submitted for Council's consideration by Lyric Century Apartments Incorporated under the revised terms of the Hamilton Downtown Residential Loan Program. The revised terms of the Hamilton

Downtown Residential Loan Program allow for a $20 per square foot of habitable floor space interest free loan for a term of five (5) years.

The building at 18 Mary Street is presently listed in the City's Inventory of Buildings of Architectural and/or Historical Interest. Recommendation (b) of Report PD03083 is for Council's direction to LACAC and Heritage Planning Staff to remove said building from the City's Inventory referenced above. The rationale for this direction being that the removal of the building from the Inventory and subsequent demolition facilitates the development and marketability of the more historically significant and designated building known as the Century Theatre at 14 Mary Street.

The Downtown Secondary Plan allows for new development to be a maximum height of 6 stories at this location. The developers are maintaining the historical Mary Street façade and not adding any additional height to the existing elevation of approximately 7 stories. This being the case, the proposed development conforms with the intent of the Downtown Secondary Plan.

ANALYSIS OF ALERNATIVES

The Municipal Tax Grant makes the development financially viable for the development proponent. In the event that the project was not to be considered for the Municipal Tax Grant, the development would undoubtedly not proceed and the subject site would remain in its present state as it has for many years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financing - Report PD03083 recommends Council's preliminary and conditional recognition of the said proposed development as an eligible project under the program. This Council resolution will also authorize staff to continue processing this application, and as such, this recommendation has no present financial implications.

Staffing - Administration of this application under the terms of the program can be accommodated by staff of the Downtown Renewal Division and the Corporate Services Department.

Legal - Pursuant to the Council resolution recommended above regarding this application, a Letter of Understanding between the City and the applicants will be negotiated and executed in a form satisfactory to the Director of Downtown Renewal and Corporate Counsel. Appendix "B" to Report PD03083 is a partial list of issues to be the subject of the proposal Letter of Understanding.

POLICIES AFFECTING PROPOSAL:

Report PD03083 relates to processing an application under terms of Council's Grant Program which forms part of the City's Provincially-approved Downtown Hamilton Community Improvement Plan.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

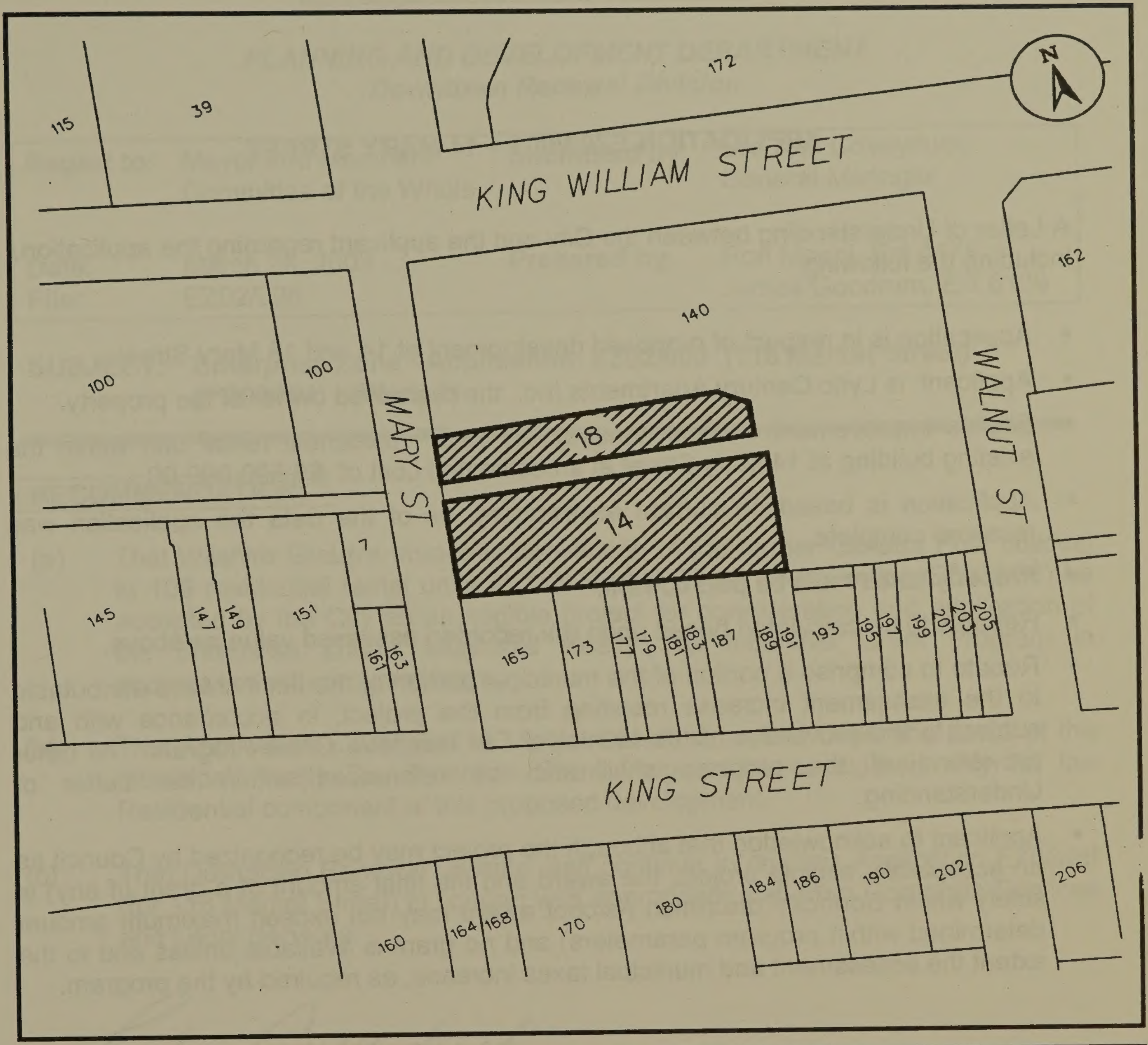
The comments of the Legal Services Division and the Corporate Services Department have been included in this report. The recommendations in this report are in a form satisfactory to Corporate Counsel.

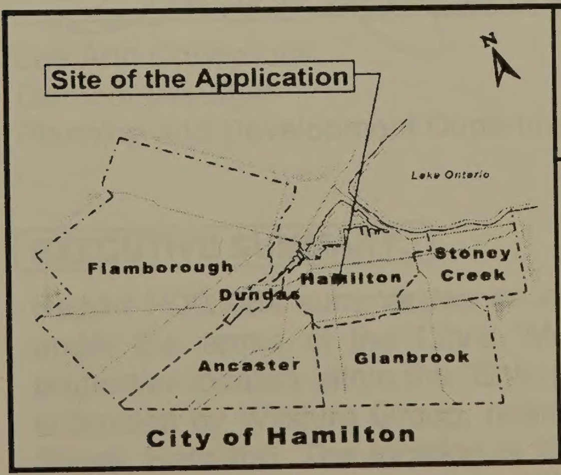
CITY STRATEGIC COMMITMENT:

Report PD03083 relates to an application received under the City's Municipal Realty Tax Incentive Grant Program which is aimed at rehabilitation and redeveloping a portion of the Downtown consistent with the intent of the Downtown Hamilton Secondary Plan. The program makes financial assistance available for sustainable use of existing services and infrastructure. This program is intended to make the Downtown a healthier and more vibrant people-oriented place.

JEG
Attachs. (2)

Appendix "A" to Report PD03083
Page 1 of 1


N
KING WILLIAM STREET
KING STREET
MARY ST
WALNUT ST
115
39
172
162
140
100
100
18
14
7
145
147
149
151
161
163
165
173
177
179
181
183
187
189
191
193
195
197
199
201
203
205
160
164
168
170
180
184
186
190
202
206


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
14 & 18 Mary Street

Hamilton

Filename/number
14 and 18 Mary St

Date
March 21, 2003

Technician:
L.M.M.

Map Not to Scale

Appendix "A"

Appendix “B” to Report PD03083
Page 1 of 1

APPLICATION EZ03/001 – 14 MARY STREET

A Letter of Understanding between the City and the applicant regarding the application, including the following:

- Application is in respect of proposed development at 14 and 18 Mary Street.
- Applicant is Lyric Century Apartments Inc., the registered owner of the property.
- Eligible improvement work is construction of 97 residential rental unit within the existing building at 14 Mary Street at an estimated cost of $9,500,000.00.
- Application is based on current assessment, as of the date the application was received complete.
- Property taxes must be paid current.
- Rebates to be calculated based upon the recorded assessed value as above.
- Rebate to comprise a portion of the municipal portion of the tax increase attributable to the assessment increase resulting from the project, in accordance with and subject to the provisions of the Municipal Tax Incentive Grant Program. All other provisions of the program shall also be referenced within the Letter of Understanding.
- Applicant to acknowledge that although the project may be recognized by Council as an acceptable, eligible project, the award and the final amount of a grant (if any) is solely within Council’s discretion (except award may not exceed maximum amount determined within program parameters) and no grant is available unless and to the extent the assessment and municipal taxes increase, as required by the program.

AFFECTS
WARD 2

CITY OF HAMILTON

4.10

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	March 28, 2003 EZ02/006	**Prepared by:**	Ron Marini, Ext 4178 James Goodram, Ext 6109

SUBJECT: **Enterprise Zone - Application EZ02/006 (118 Market Street) (PD03084) - (Ward 2)**

RECOMMENDATION:

(a) That Wilshire Group's proposed conversion of the former Canada Post building to 109 residential rental units at 118 Market Street (Application EZ02/006) be accepted by the City as an eligible project for consideration and application of the Enterprise Zone's Municipal Realty Tax Incentive Grant Program in accordance with program terms.

(b) That Application EZ02/06 (118 Market Street) submitted under the terms of the Municipal Realty Tax Incentive Grant Program be considered only for the Residential component of this proposed development.

(c) That Downtown Renewal Division staff continue to process Application EZ02/06 (for 118 Market Street) in concert with appropriate staff from Corporate Services and Legal Services.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Report PD03084 summarizes an application for a municipal realty tax incentive grant under the terms of the City's "Municipal Realty Tax Incentive Grant Program" for properties located within the "Enterprise Zone" of Downtown Hamilton. The application, submitted by Wilshire Group, relates to its property municipally known as 118 Market Street, Hamilton.. The location is illustrated in Appendix "A" to Report PD03084. The proposed development involves the conversion of the former Canada Post building which is presently vacant to 109 residential rental units with a restaurant use on the ground floor.

The proposed residential component of the development meets all of the criteria of the Municipal Realty Tax Incentive Grant Program and conforms with the intent of the Secondary Plan. As such, the Grant Program will only be applied to this component of the development. An amendment to the Secondary Plan is required to apply the Municipal Realty Tax Incentive Grant Program to the commercial component of the proposed development.

BACKGROUND:

City Council, at its meeting held August 22, 2002, approved that the Enterprise Zone Municipal Realty Tax Incentive Grant Program be expanded to the full limits of the Downtown Hamilton Community Improvement Project Area together with program refinements. The Province approved the original program as an amendment to the Downtown Hamilton Community Improvement Plan to apply to properties within the Downtown Hamilton and International Village Business Improvement Areas, on October 22, 2001.

As a first step, applications are submitted to Council to determine if the proposal meets the terms of the program and whether or not the project is acceptable to the City.

Subsequently, when the proposed project's improvements have been carried out by an applicant, the improvements' effect (if any) on assessment and on realty taxes, will be reviewed by staff. A further report would then be submitted for Council's consideration of an amount of a Municipal Tax Rebate Grant (if any) that may, under our program, be paid over a ten (10) year period.

The Wilshire Group Application (EZ02/006) regarding its property known as 118 Market Street, proposes construction of a three (3) storey building with 109 residential rental units and a restaurant situated on the ground floor at an estimated cost of $11,739,395. Under the present zoning, stand-alone residential development is not a permitted use. In order to comply with Zoning By-law 6593, the applicant has included a restaurant within the proposed development.

The inclusion of this restaurant use does not meet the objectives of the Downtown Secondary Plan, which designates the property as Medium Density Residential and does not allow for any commercial uses. As such, the applicant will be seeking an amendment to the Secondary Plan to re-designate the property from Medium Density Residential to the Mixed-use designation which allows for commercial uses that are compatible with and do not detract from residential development such as the proposed restaurant.

As a consequence of the foregoing and based on the current status, only the residential component is recommended for approval under the terms of the Enterprise Zone for a period of ten (10) years.

The Wilshire Group received a conditional loan commitment of $2,008,400 million from the City in February of 2002 under the terms of the former Hamilton Downtown Residential Loan Program. This program has since been revised and the new terms as specified in Appendix "C" to Report PD03084 were approved by Council in September 2002. The original loan commitment remains in place; however the terms of the loan commitment have changed to reflect the new loan program. The applicant is in agreement with this. City staff has worked with the applicant over the last year to refine their redevelopment proposal to better meet the objectives of the Downtown Hamilton Secondary Plan and other design guidelines established by the City.

Entrance to proposed building

ANALYSIS OF ALERNATIVES

The Municipal Tax Grant makes the development financially viable for the development proponent. In the event that the project was not to be considered for the Municipal Tax Grant, the development would undoubtedly not proceed and the subject site would remain in its present state as it has for many years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financing - Report PD03084 recommends Council's preliminary and conditional recognition of the said proposed development as an eligible project under the program. This Council resolution will also authorize staff to continue processing this application, and as such, this recommendation has no present financial implications.

Staffing - Administration of this application under the terms of the program can be accommodated by staff of the Downtown Renewal Division and the Corporate Services Department.

Legal - Pursuant to the Council resolution recommended above regarding this application, a Letter of Understanding between the City and the applicants will be negotiated and executed in a form satisfactory to the Director of Downtown Renewal and Corporate Counsel. Appendix "B" is a partial list of issues to be the subject of the proposal Letter of Understanding.

POLICIES AFFECTING PROPOSAL:

Report PD03084 relates to processing an application under terms of Council's Grant Program which forms part of the City's Provincially-approved Downtown Hamilton Community Improvement Plan.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

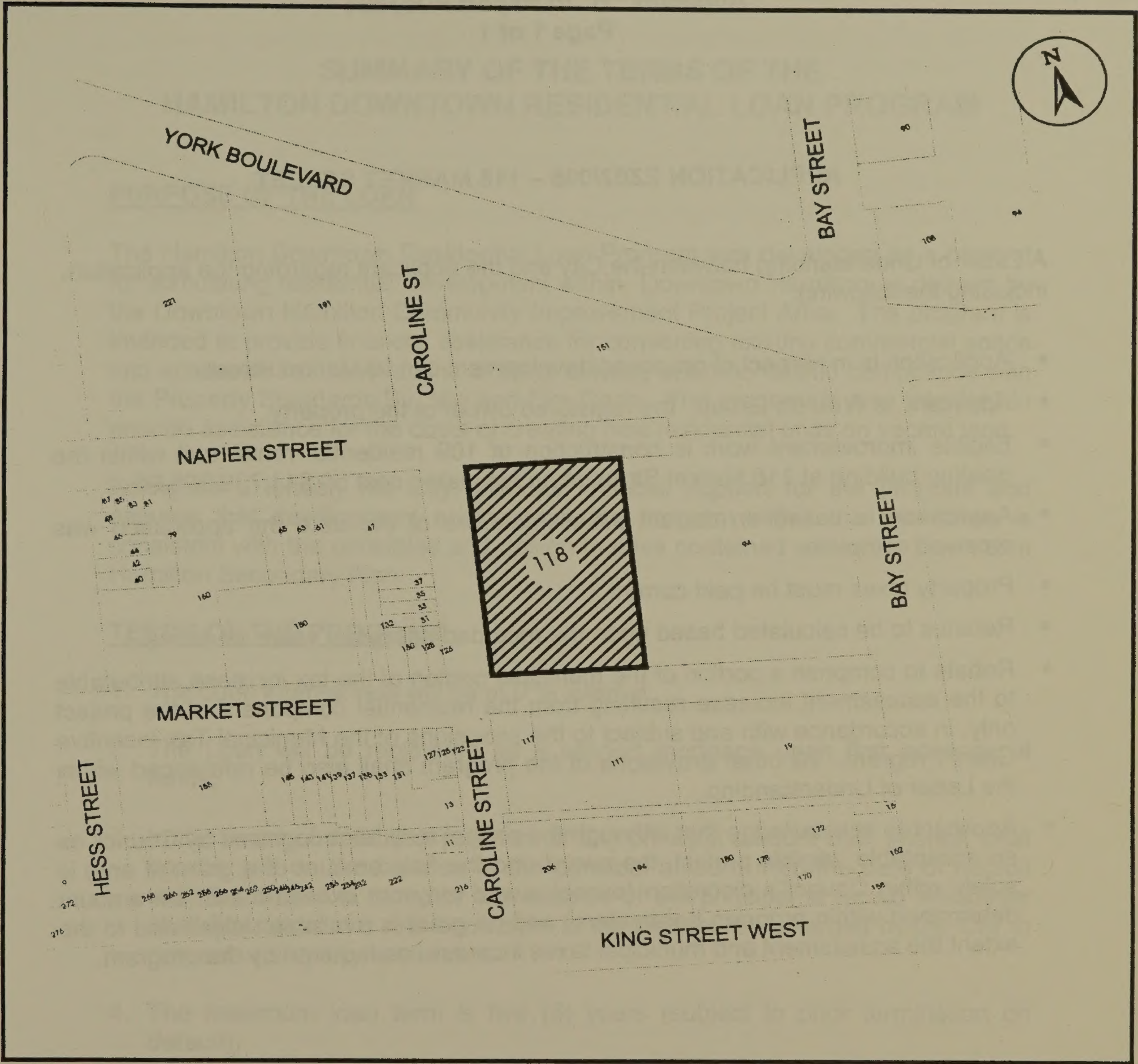
The comments of the Legal Services Division and the Corporate Services Department have been included in this report. The recommendations in this report are in a form satisfactory to Corporate Counsel.

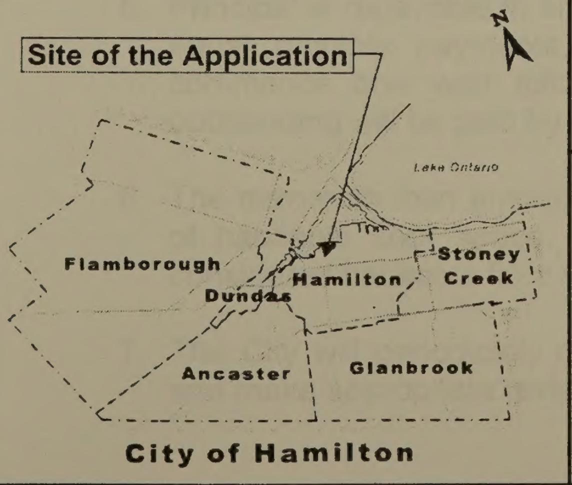
CITY STRATEGIC COMMITMENT:

Report PD03084 relates to an application received under the City's Municipal Realty Tax Incentive Grant Program which is aimed at rehabilitation and redeveloping a portion of the Downtown consistent with the intent of the Downtown Hamilton Secondary Plan. The program makes financial assistance available for sustainable use of existing services and infrastructure. This program is intended to make the Downtown a healthier and more vibrant people-oriented place.

JEG
Attachs. (3)

Appendix "A" to Report PD03084
Page 1 of 1


N
YORK BOULEVARD
BAY STREET
CAROLINE ST
NAPIER STREET
118
BAY STREET
MARKET STREET
HESS STREET
CAROLINE STREET
KING STREET WEST


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
118 Market Street

Hamilton

Filename/number
118 Market Street

Date
March 21, 2003

Technician:
LC

Map Not to Scale

Appendix "A"

APPLICATION EZ02/006 – 118 MARKET STREET

A Letter of Understanding between the City and the applicant regarding the application, including the following:

- Application is in respect of proposed development at 118 Market Street.
- Applicant is Wilshire Group, the registered owner of the property.
- Eligible improvement work is construction of 109 residential rental unit within the existing building at 118 Market Street at an estimated cost of $11,739,395.00.
- Application is based on current assessment, as of the date the application was received complete.
- Property taxes must be paid current.
- Rebates to be calculated based upon the recorded assessed value as above.
- Rebate to comprise a portion of the municipal portion of the tax increase attributable to the assessment increase resulting from the residential component of the project only, in accordance with and subject to the provisions of the Municipal Tax Incentive Grant Program. All other provisions of the program shall also be referenced within the Letter of Understanding.
- Applicant to acknowledge that although the project may be recognized by Council as an acceptable, eligible project, the award and the final amount of a grant (if any) is solely within Council’s discretion (except award may not exceed maximum amount determined within program parameters) and no grant is available unless and to the extent the assessment and municipal taxes increase, as required by the program.

SUMMARY OF THE TERMS OF THE HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM

PURPOSE OF THE LOAN

The Hamilton Downtown Residential Loan Program was developed as a catalyst for stimulating residential development within Downtown Hamilton as defined by the Downtown Hamilton Community Improvement Project Area. The program is intended to provide financial assistance for converting existing commercial space into apartments or renovations to bring existing apartments into compliance with the Property Standards By- law and Fire Code. The program is also intended to provide assistance for the costs of creating new residential units on vacant land.

Acting as a lender, the City provides financial support for the program and ensures that development arising from the program within the Downtown is consistent with the principles and design themes contained within the Downtown Hamilton Secondary Plan.

TERMS OF THE PROGRAM

1. The Loan interest rate will be at 0 % interest.
2. The Loan will be registered as a second mortgage upon first advance of funds.
3. In the event of default of payment of any principal amount then interest shall be charged on the balance of the principal amount from the date of default until the default is cured or the balance of the principal is repaid whichever shall first occur at a rate equivalent to the highest rate charged by the City in respect of property tax arrears .
4. The maximum loan term is five (5) years (subject to prior termination on default).
5. Principal is repayable in annual amounts of ten percent (10%), in twelve (12) equal monthly payments, of the original loan amount. Payments will commence one year following completion of construction. The balance outstanding will be paid by a balloon payment at the end of the five year term.
6. The maximum loan amount is calculated on the basis of $20 per square foot of habitable floor space. The City reserves the right to decide what is considered habitable floor space under the terms of program.
7. The City will periodically review the terms and the duration of the program and make appropriate revisions as per the direction of City Council.

8. The City may request such security as may be required to secure a commercial loan, including the following: loan agreement; and/or promissory note; and/or personal property security; and/or personal guarantee's; and/or lien on the property to be improved; and/or mortgage charge registered on the property to be improved; and/or letter of credit in lieu of a second mortgage charge on the property (subject to City's minimum equity requirements); and/or such other security which may be appropriate or available in the circumstance.

9. Upon proof satisfactory to the City that the proposed development is 60% complete and that equity and/or financing required to that stage of completion has been injected into the development then the approved City funds will be made available and released proportionately based upon the approved source of funds (equity/financing/City funds). The calculation of the proportion to be advanced will reflect that the first 60% of funding is from non-City sources. Advances will be made in conjunction with financing advances or after proof of equity injections.

10. Owner applicants shall have no less than 25% equity based upon the appraised value of the property offered as security, including cost of improvements being financed. The 25% equity in the project shall be maintained throughout the term of the City loan. An accredited member of the Appraisal Institute shall complete the property appraisal prior to funding within a time frame acceptable to the City.

11. An administration fee of $500.00 per unit for developments under 50 units; $400.00 per unit for developments between 50 and 100 units and $300.00 per unit for projects over 100 units, is charged to the borrower and is eligible to be paid out of the loan proceeds.

12. Realty taxes must be paid current and in good standing throughout the development process, and during the term of the City loan.

13. Eligible existing buildings/vacant properties must be located in the Downtown Hamilton Community Improvement Project Area. Only class C/D commercial buildings with a pre-existing annual vacancy of not less 20% are eligible. Vacant lands include properties developed as parking lots.

14. Site Plan drawings in a form acceptable to the City must accompany the application form. Architectural renderings of the proposed completed development must also be submitted and must meet the objectives of the Downtown Hamilton Secondary Plan as determined by City staff.

15. Advances are made by the City, upon proof by a quantified surveyor or architect/engineer confirming the value of the work completed.

16. All costs associated with the conversion or renovations are to be borne by the applicant including construction, design, administration fee, appraisals,

inspections, legal and registration fees. The City retains the right to assess the reasonableness of costs and which costs are eligible under the terms of the program.

17. Upon sale of the property the loan is due and payable upon closing. Upon refinancing of the first mortgage the loan is due in full or part if take out financing or refinancing takes place in an amount higher than the existing first mortgage.

18. Upon sale of individual condominium units, the City will be repaid $25.00 per square foot upon closing.

19. The proposed development must conform to the City of Hamilton Official Plan and Zoning By-law, and to the Downtown Hamilton Secondary Plan.

20. The City of Hamilton will require specific insurance terms to be met to protect the City's interest.

21. Deadlines for the submission and approval of buildings permits and construction start dates are established following a report to Council for approved applications.

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM

DOCUMENTS REQUIRED

Personal

- Net Worth Statement
- Completed Application
- Two Years Income Tax Returns

Corporate

- Two Years Financial Statements
- Incorporation Documents

Liabilities

- Current Institutional Bank or Banks
- Lawyers Name and Address

The Property

- Site Plan or Survey
- Proposed Building Architectural Drawings
- Breakdown of Construction Cost
- Contracts in Place
- Original Purchase Price
- Current Registered Mortgages
- Details of Primary Construction Lending
- Details of Any Secondary Financing
- Appraisal (performed by A.A.C.I) Today's Value
- Appraisal Upon Completion
- Phase 1 Environmental Report
- Breakdown of other uses i.e. (commercial component)

Marketing

- Projected Rental Rates per unit or per sq foot
- Any Leases currently in place
- Letters of Intent to Lease
- Projected Expenses or Actual if Available
- List any Advantages of Leasing for the Property

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM
APPLICATION FOR FINANCING

PERSONAL

Applicant's Name:
Address:
Telephone (Home): Business:
Date of Birth: S.I.N.
Spouse's Name:
Bank: Account:
Credit Cards:
No. of Dependents:
Employer:
Address:

BUSINESS

Company Name:
Address:
Telephone:
Date of Registration:
Name of Registered Shareholders:
Solicitor's Name:
Address:
Telephone: Fax:
Accountant's Name:
Telephone:

THE PROPERTY

Address

Date of Purchase: Purchase Price:

Appraised Value:

Current Mortgage Amount.

Rate: Term: Date of Maturity:

Secondary Financing:

Name on Title:

PROPOSED

Estimated Cost: Cost per sq. foot:

No. of Proposed Units:

Current Use:

Please provide survey or site plan.

DECLARATION

I/We hereby grant permission to the City of Hamilton or its agents, to carry out the necessary inquiries for the purpose of determining my/our income, assets, liabilities and credit information.

Date **Signature**

Date **Signature**

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM SECURITY DOCUMENTATION

The security documentation for the Hamilton Downtown Residential Loan Program was prepared specifically for the program by the law firm of:

Simpson, Wigle
Barristers & Solicitors
Suite 400
Commerce Place
21 King Street West
Hamilton ON L8P 4W7

Timothy Bullock

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM
SECURITY DOCUMENTATION

To ensure any Applicant understands the processing procedure and all terms and conditions of the loan, the Processing Procedures document should be provided to each Applicant and the application form completed with the terms and conditions of the loan signed prior to City approval. The terms and conditions of loan approval are not a loan commitment or an agreement to provide a loan. The application form will ensure that the Applicant understands upon what basis the City will be approving the loan and the types of terms and conditions that will be in the Loan Agreement. The Solicitor’s office will prepare the necessary loan documentation and complete the necessary searches to secure the City’s position. In addition, the Applicant is to provide all necessary information required to satisfy any conditions of the loan such as an appraisal, names of cost consultants, contractors, bonding information, insurance information and any other items required and recommended arising from the risk analysis.

The security documentation should be drafted to include all standard requirements of the loan program and any special terms or conditions contained in the Council approval or report to Council. The critical documentation would be a Loan Agreement and a Collateral Mortgage. This would be consistent with the loans done to date. The Loan Agreement adopts standard terms and conditions and any special provisions related to the loan. The Loan Agreement includes the principal amount, the terms of repayment, arrears and events of default. A standard form has been prepared and is presently in use. A Collateral Mortgage has also been prepared. It provides for remedies upon default and would normally be registered as a second charge upon the property.

In addition to the Loan Agreement and Collateral Mortgage security documentation would include a Resolution of the company, and Officer’s Certificate, a legal opinion from the solicitor or borrower as to due execution of all documentation and authority. Dependent upon the risk analysis, there may be a personal guarantee required, performance bonds, letters of credit or security on other assets such as a family home. The additional types of security would depend upon the application and the risk analysis.

For purposes of searches to secure title, the following would be recommended:

- *Search of Title;*
- *Execution Search;*
- *Tax Search;*
- *Evidence of Building Permit;*
- *Evidence of Zoning Compliance;*
- *Confirmation that there are no outstanding Work Orders;*

- *Confirmation that any site plan agreement has been complied with;*
- *Fire Department search;*
- *Certificate of status for corporation;*
- *Bankruptcy search;*
- *GST search (priority may be claimed by Federal government in respect of arrears of GST existing at the time of registration of the mortgage)*
- *Subsearches should be done at the time of each advance and depending upon the lapse of time others of the above searches may be redone;*
- *There should be a lien holdback on each advance in accordance with the Construction Lien Act.*

Many of the searches to be done are with the City itself. To the extent a simplified process can be established such that an individual in each of the Building and Planning Departments are responsible for advising then written requests and fees would not have to be paid.

A miscellaneous item to be considered in risk analysis is the first mortgagee. If the first mortgagee is a private lender is the City satisfied with their due diligence and analysis. There is potential for fraud if it is a private lender and funds advanced by the City are paid to the private lender to keep the first mortgage in good standing. This would be particularly true near the end of a project which is when the City is stepping in with their funds.

Consideration should be given to having the City do cheques to the trades themselves. This is not an uncommon situation on construction projects. Some lenders do make the cheque payable to both the borrower and the trade. This should form part of your risk analysis as to whether this is a step to be completed dependent on the borrower's financial strength, experience and viability of the project.

Payment of trades and review of outstanding accounts is critical on large loans and requires a cost consultant or quantity surveyor.

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM UNDERWRITING AND RISK ASSESSMENT PROCESS

To properly assess risk and underwrite any income property (residential or commercial) or potential condo conversion, the process must begin with the proper information accompanying the application. This information is used in assessing the risk and determining if the loan amount applied for falls within the income capability of the property. The underwriting approach should address the project from a financial, market and construction risk point of view.

To support the underwriting process, it is considered prudent to retain a Quantity Surveyor/Construction Cost Consultant to review:

A. The project budget and construction schedule proposed:

- at each advance to review cost to date;
- at each advance to review the timeliness of the proposed construction schedule.

An equally important consideration is the monitoring of the project as funds are advanced to ensure:

A. Loan funds are being used properly:

- Project schedule is on time;
- Cost overruns are being funded by borrower equity and/or primary lender loan increases.

Each of these elements of the process is detailed below.

A) INFORMATION REQUIRED

Background and complete disclosure of project ownership

At least three years of Audited or Review Engagement financial statements with the most recent year end no longer than nine months old. The statements are to be accompanied by explanation of any non-project assets, liabilities as well as income and expenses.

The project's construction and soft cost budget.

A pro forma income and expense budget for the project.

A detailed construction schedule for the project.

Appraisal Report from a qualified appraiser acceptable to the City of Hamilton based on the completed project and using an income approach based on current market rents/values and capitalization rates.

At least a Phase I Environmental Report.

A resume of the construction team including architect, engineer, major trades, bonding and insurance company.

A copy of a construction and take out commitment from a financial institution acceptable to the City of Hamilton.

Personal and/or Corporate financial statement of any proposed guarantor.

B) FINANCIAL RISK ASSESSMENT

Review and assess projected income and expenses in relation to current market comparables.

Assess total construction and soft cost budget in relation to current market costs.

Ensure sufficient contingencies have been provided for in the construction budget.

Review the make up and confirm proposed borrower equity contribution meets the 25% requirement.

Assess market value of the completed project.

Confirm the project Loan to Value ratio (LN: Value), including the first mortgage conform to normal lending industry procedures.

Confirm that Debt Service Coverage Ratio (DSC), including the first mortgagee conform to normal lending industry procedures.

C) ENSURE ALL ENVIRONMENTAL ISSUES HAVE BEEN SATISFIED.

Assess the adequacy of construction and soft cost budget as well as contingencies.

Confirm that the proposed construction schedule is achievable.

Assess the financial strength and performance ability of the general contractor as well as all major sub trades.

Ensure adequate bonding is in place for the general contractor and key sub trades.

Ensure adequate construction All Risk Insurance is in place.

Determine key shareholders/guarantors have sufficient financial strength to fund cost overruns if required.

D) MARKET RISK ASSESSMENT

Assess projected rental/sales agent has sufficient experience/track record to achieve the projected lease up/sales.

E) MONITORING

Each advance to be accompanied by a breakdown of hard costs to date and costs to complete certified by an Engineer.

At the time of each advance, review the timing of the project construction schedule. Confirmation that any cost overruns have been funded by borrower equity and/or an increased construction loan from the primary lender.

A monthly report as to the current status of lease up/sales. Through a title subsearch, ensure any liens or executions have been discharged or removed.

If construction has not been completed after loans have totally advanced, to continue to be provided with a report of project costs to date and cost to complete certified by an engineer.

If construction has not been completed after loan has been totally advanced, to continue to provide an update of the construction schedule of the project.

After loans have been totally advanced and until repayment commences, to continue to be provided with a monthly report as to the current status of lease up/sales.

SECTION 5

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

5.1

PUBLIC WORKS DEPARTMENT
Transit

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	March 31, 2003	**Prepared by:**	Don Hull 905-679-7301 Paul Thompson 905-679-7304

SUBJECT: D.A.R.T.S. Contract Renewal Alternate Service Delivery Option (TOE02207A) - (City Wide Implications)

RECOMMENDATION:

(a) That the Mayor and City Clerk be authorized to execute a Contract with the Disabled and Aged Regional Transit System (D.A.R.T.S.) and a supporting Lease Agreement for a term of five years, subject to the amending provisions recommended within this report and in a form satisfactory to the General Manager of Public Works and to the City Solicitor.

(b) That, in addition to the established contract management activities, the D.A.R.T.S. budget be reviewed annually by Staff specifically to report to Council respecting D.A.R.T.S. contractual compliance with approved budget and trip delivery.

(c) That if the Contractor is found to be in variance of Contract, Staff is directed to report to Council with a recommendation specific to consideration of continuance or termination of the Contract.

(d) That the City assume responsibility for provision of the Customer Services and Trip Management (Reservations, Scheduling and Dispatching functions) previously provided by D.A.R.T.S. under contract to the City.

(e) That the scope and timelines for the assumption of these responsibilities, inclusive of Complement and Budget to be transferred to the Accessible Transportation Services Section (ATS) within the Transit Division of the Public Works Department, be negotiated with D.A.R.T.S.

(f) That the proposed Contract with D.A.R.T.S. reflect the changes in responsibilities and suitable employment be offered to the displaced Staff within the City.

(g) That Council confirm the essential mandate of the D.A.R.T.S. Board within the term of the contract renewal to be management and delivery of an efficient and effective accessible transportation service as defined in the contract.

(h) That Council confirm the essential mandate of the Advisory Committee for Persons with Disabilities, created by Council on August 14, 2002, as specified in the Terms of Reference (separate attachment, Appendix II) to recommend policies, procedures and guidelines that address the needs and concerns of persons with disabilities.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

A Staff report to Council dated November 4, 2002, "D.A.R.T.S. Contract Renewal – Consideration of an Alternate Service Delivery Option (TOE02207)", sought and received direction from Council to undertake a social and economic analysis comparing an "In-house" operation of Specialized Transit services to the current not-for-profit contract with D.A.R.T.S.

This initiative arose during the preparation of an alternate Staff report to Council. Under a prior authorization and direction of Council, Staff had completed contract negotiations with D.A.R.T.S. and was in the process of preparing a report to Council recommending ratification by Council. This change in direction is attributed to Staff having identified an ongoing shortfall in the delivery of contracted trips on the part of D.A.R.T.S., notably in the latter part of 2002.

D.A.R.T.S. has been at the centre of adverse recurring financial and media attention for several years. Turnover at the senior management level has been extraordinary and this is expected to continue in the absence of change from the status quo. It is the opinion of the majority of stakeholders of D.A.R.T.S. services that a movement away from status quo, in the direction of greater control of the City is a necessary step towards prevention of a repetition of historical events.

The findings of the analysis of In-house Specialized Transit Operations versus the current contracting-out of the service to D.A.R.T.S. provides substantive rationale to move away from status-quo towards a governance model that brings functions currently being provided by the D.A.R.T.S. contract within the direct control of Council:

- ➢ The Business Case as defined by Council approved ASD guidelines.
- ➢ Creation of Advisory Committee for Persons with Disabilities by Council.
- ➢ The financial implications of the recommended changes are negligible.
- ➢ Current Canadian and American Governance Models and Emerging Trends.
- ➢ Recommended continued ownership of key infrastructure by the City.
- ➢ D.A.R.T.S. Contract Performance.
- ➢ Implementation of Ontarians with Disabilities Legislation (ODA).

The Business Case as defined by Council approved ASD guidelines

In preparation of this report and accompanying recommendations Staff was directed to rely on the principles of Alternate Service Delivery (ASD) previously approved by Council. ASD includes a prerequisite to follow four guiding principles for such an evaluation that include Public Interest, Service Quality and Effectiveness, Resource Management and Human Resources. Staff undertook this analysis, being both subjective and objective in nature, with the assistance of a Consultant. ASD guidelines also require stakeholder consultation. The stakeholder consultation process was broad and included: The Accessibility Committee for Persons with Disabilities established by Council; the D.A.R.T.S. Board of Directors; D.A.R.T.S. General Manager and management staff; CUPE Executive representing D.A.R.T.S. employees; City staff including representation from Legal Services, Labour Relations, Finance and Access and Equity.

The outcome of the stakeholder evaluation strongly favoured a shift in governance of Specialized Transit services in the direction of greater direct control of City Council. The following ASD strategies would be better served by the recommended governance model: [1]

- Maximize municipal accountability and responsibility.
- Best meets Council goals and objectives.
- Best meets legislated requirements.
- Consumer access and input through elected and appointed representatives.
- Provide opportunity to leverage existing investment in people, plant, technology and process.
- Benefits of integration with the conventional transit service objectives.
- Best value for money over time.
- Stable capital budgeting and expenditure planning - plant and equipment.
- Opportunities for shared access to new industry technology.
- Shared access to infrastructure, systems and management resources within the City.
- Optimization of specialized transit service levels within existing management resources.
- Opportunity to allocate/transfer risk to the party best able to manage it.

Creation of Advisory Committee for Persons with Disabilities by Council in August 2002

Specialized Transit Services policy and planning development in the City of Hamilton or throughout North America for that matter will not remain stable in the foreseeable future.

Council will continue to face pressure to balance social demand with economic reality. This may be mitigated or exacerbated through consideration of changes to policies, procedures and practices as identified in Staff Report (TOE02075) ATS Demand Management Strategies, April 10, 2002 report to Council. Creation of the Advisory Committee for Persons with Disabilities in August 2002 by Council to provide advice to Staff and Council was timely. Near term Policy and Planning issues that Council will have to address include:

---

[1] Alternative Service Delivery Policy – City Wide – March 2 2001

Supported Shift to ALF			
Travel training	Trip by trip eligibility	Integrated trip transfers	Full public transit accessibility
Service Standard Harmonization			
Duration of service	Area of service		
Eligibility Policy			
Grandfathered ambulatory	Functional eligibility	Conditional eligibility	Conditional eligibility
Fare Structure			
Integration with conventional transit	Increased fare levels	Zone fares	Differentiation of service outside UTA
Use of Advanced Technologies			
Scheduling/Dispatching Software	GPS	MDT	
Delivery Operational Standards			
Advance booking period	% subscription trips	Zone transfers	Curb-to-curb versus door-to-door
Fare collection practices	Use of subcontracted services	Agency co-payments	
Taxi Scrip Program			
Maximum monthly purchases	Co-payment level	Two-tiered level of subsidy	

The Advisory Committee of Council convened a special meeting to consider the findings of the Consultant report that was provided to Council in the recent Project Update dated March 12, 2003. In consideration of the report the Advisory Committee resolved: "That the option preferred by the Advisory Committee for Persons with Disabilities be an in-house model run by the city (HSR) with a short transition period of one year."

Financial Implications

Approximately $30,000 in one-time capital expenditures will be required for renovations to the MRTC facility to accommodate the staff transfer. The operating budget implications of the recommended changes to the current model is the cost of wage harmonization for the estimated fifteen transferred employees in the order of magnitude of $75,000. Both expenses can be accommodated within the current budget as D.A.R.T.S. continues to operate with a budget surplus pending implementation of the service improvements approved by Council in 2002 upon delivery of expansion fleet required. The impact on the Transit Division budget for the year 2004 and beyond will be 0.4%.

Current Canadian and American Governance Models and Emerging Trends

Of 26 Ontario municipalities providing Specialized Transit Service, 14 are provided in-house, 8 are not-for-profit, 3 are private and Peel Region provides the service for Mississauga and Brampton. The largest municipality, Toronto provides the service in-house albeit separate from conventional transit. Ottawa splits the service, providing all functions in-house, except service delivery that is contracted to a private operator. Hamilton, the third largest provider of Specialized Transit services in Ontario, splits the service with the City providing Policy and Contract administration, while contracting-out Trip Management (Customer Services, Reservations, Scheduling, Dispatching) and Service Delivery to a not-for-profit organization (D.A.R.T.S.).

In the past decade Toronto, London, Kingston, Grand River Transit (Kitchener, Waterloo and Cambridge amalgamated), Kingston and Ajax-Pickering have all brought their Specialized Transit Services under greater control by Council.

No municipalities in Ontario in the past decade have opted to move to a greater "arms-length" relationship with their Specialized Transit Services.

Of other Canadian municipalities with Specialized Transit Services similar in size to Hamilton, Edmonton, Halifax, Montreal and Quebec City provide the service in-house, Calgary is not-for-profit and Saskatoon contracts service delivery to a private operator. Edmonton recently brought their service in-house.

D.A.R.T.S. Contract Performance

In 2002, D.A.R.T.S. was contracted to provide 485,448 Specialized Transit trips at a budgeted net levy cost of $7,533,771. 341,448 trips would be delivered directly by D.A.R.T.S. with 144,000 trips sub-contracted to a Taxi Operator. D.A.R.T.S. dedicated vehicle measure of efficiency, trip per hour of service, was projected to be 2.35 trips per hour.

Some 69,000 D.A.R.T.S. trips went undelivered in 2002, seriously compromising the quality of service provided to the disabled registrants of the ATS program. Of this total, some 19,448 budgeted trips were missed due to the unavailability of new expansion fleet, that was beyond the direct control of D.A.R.T.S., while 50,000 trips of the remaining 466,000 contracted trips, or some 10%, were in either the indirect or direct control of D.A.R.T.S.. [2] D.A.R.T.S. dedicated vehicle trips per hour was 2.06, or about 88% of the projected for 2002.

Further, in the period 2001-2002 the D.A.R.T.S. budget has been increased over $1 million or 16%, without delivering a single additional trip, giving rise to reconsideration of the Business Case for In-house service delivery. The financial implications represent an increase in cost of a dedicated vehicle trip from $17.59 to $24.27, an increase of 38%. During the same period, there has been a decline in dedicated vehicle productivity of some 18%.

In contrast to the above performance, during the RFP and subsequent review process (1999 and 2000) D.A.R.T.S. was able to accomplish several key improvements including a 30% gain in overall dedicated service productivity and a 20% gain in non-ambulatory (wheelchair) service productivity. D.A.R.T.S. experienced a reduction in the cost per hour of dedicated service by over 15% and delivered more than the budgeted number of trips in each of 1999 and 2000 while demonstrating an ability to attain budget targets. [3]

Client dissatisfaction with access to the service (trip management) was understandably high with D.A.R.T.S. having recorded an increase in complaints from 534 in 2001 to 991 in 2002. [4]

D.A.R.T.S. users report a high level of user satisfaction with D.A.R.T.S. service delivery (Bus Operators).

Historical instability in management at the senior level of D.A.R.T.S. has hindered D.A.R.T.S. ability to sustain contractual performance.

---

[2] D.A.R.T.S. Performance Report – December 2002

[3] IBI Report – Cost & Quality Analysis of Alternative Service Delivery Options for D.A.R.T.S. - March 2003

[4] Transportation Survey 2002 Barriers to Accessible Transportation for People with Developmental Disabilities – January 2003

BACKGROUND:

The Business Case as defined by Council approved ASD guidelines

The Consultant's work included a recent assignment in Edmonton with criteria that co-incidentally closely mirrored Hamilton's ASD principles:

Public Interest

1. Public interest must not be adversely affected by the delivery method selected. The City must retain the ability to make policy decisions, deliver the service in an emergency, and monitor the program delivery through regular detailed reporting.
2. The principle of equal access to programs by all citizens must be protected.
3. ASD methods should be consistent with the City's objectives, provide the capacity for flexible and innovative program delivery and ensure appropriate means of control and accountability.

Service Quality and Effectiveness

1. ASD methods should consider stakeholder interests and optimize service quality and effectiveness.
2. ASD methods should help departments meet their service standards and account for performance against the standards.
3. Where an ASD proposal is being considered, the Council approved Purchasing policy will apply.
4. ASD alternatives must comply with regulatory and statutory requirements.

Resource Management

1. ASD methods should be considered only when they give the City better value.
2. ASD methods should not cost more and, preferably cost less than traditional methods.
3. Strategies must be developed to manage the financial and other risks associated with a shift in delivery methods.
4. The applicable Purchasing policies will apply when an ASD method is being considered.
5. Performance measurements and monitoring will be implemented for approved ASD initiatives

Human Resources

1. Strategies for training, development, recruitment and rejuvenation necessary to maintain a highly skilled, dedicated and flexible workforce must be included when evaluating ASD methods.
2. The City will honour its contractual agreements with employees.

In all, 26 ASD related criteria were used, both subjective and objective, to evaluate whether a case exists to change the current model of governance. The key stakeholders previously identified were asked to complete this rating.

Criteria that favoured a move towards a greater degree of governance by the City included:

- Benefits of integration with the conventional transit service objectives.
- Maximize municipal accountability and responsibility.
- Best meets Council goals and objectives.

- Best meets legislated requirements.
- Consumer access and input through elected and appointed representatives.
- Provide opportunity to leverage existing investment in people, plant, technology and process.
- Best value for money over time.
- Stable capital budgeting and expenditure planning – plant and equipment.
- Opportunities for shared access to new industry technology.
- Shared access to infrastructure, systems and management resources within the City.
- Optimization of specialized transit service levels within existing management resources.
- Opportunity to allocate/transfer risk to the party best able to manage it.

Criteria that favoured status quo or a move towards a greater degree of autonomy for D.A.R.T.S. included:

- Maintain ability for competitive procurement/market-based competition.
- Economy of administrative effort and support.
- Flexibility in staffing and operating practices.
- Ease of implementation.
- Minimize labour relations impacts.
- Minimize risk of service disruption.

Criteria that were Neutral included:

- Ability to react to changing market conditions.
- Maximize options for new approaches to service delivery.
- Access to capabilities that the City does not have or cannot sustain.
- Accrued financial benefits from economy of scale.
- Desired business results are measurable.
- Accommodates performance based delivery.
- Total annual operating cost.

ANALYSIS OF ALTERNATIVES:

"In-House"

The City, through the Transit Division assuming responsibility for the Customer Service, Trip Management (Reservations, Scheduling & Dispatching) and Service Delivery functions as well as their current responsibility for Program Management.

This is the recommended alternative of The Advisory Committee for Persons with Disabilities. Staff is not recommending this alternative, *at this time*, primarily due to the following factors. D.A.R.T.S. users are satisfied with the quality of service delivery currently being provided by D.A.R.T.S. Operators. Implementation of this alternative would expose the City to the potential for unnecessary increased costs associated with service delivery provided by dedicated specialized transit vehicles as identified accompanying confidential report. Nor is the City presently equipped to directly provide an accessible taxi delivery service.

In-House by CITY (+supplemental taxi)

As above, "In-House", with the addition of using contracted taxis such as that presently provided by Veterans Transportation.

This is the second highest ranked alternative of The Advisory Committee for Persons with Disabilities. Industry trends throughout North America support adoption of this alternative. This alternative best meets Councils Goals and Objectives. Staff is not recommending this alternative at this time primarily due to the following factors. D.A.R.T.S. users are satisfied with the quality of service delivery currently being provided by D.A.R.T.S. Operators.

Recommended Alternative (described as Hybrid model in Consultant Report)

The City, through the Accessible Transportation Section of the Transit Division assuming responsibility for the Customer Service and Trip Management functions (Reservations, Scheduling and Dispatching) as well as their current responsibility for Program Management. Service Delivery of dedicated specialized transit would remain with D.A.R.T.S. with D.A.R.T.S. sub-contracting to Veterans Transportation for accessible taxi service delivery.

This is the third highest ranked alternative of The Advisory Committee for Persons with Disabilities. Staff is recommending this alternative at this time primarily due to the following factors. This alternative represents the most effective balance of competing Social and Fiscal goals. D.A.R.T.S. users are satisfied with the quality of service delivery currently being provided by D.A.R.T.S. Operators. D.A.R.T.S. users have a high level of dissatisfaction with the current trip management functions being provided by D.A.R.T.S. Implementation of this alternative minimizes future budget and human resources implications as identified in the accompanying confidential report. It is widely acknowledged that effective use of the state-of-the-art trip management software currently being installed presents the greatest opportunity to improve productivity and curb growing costs. Performance accountability to Council is greatest with these activities provided by City staff.

Status Quo

The City, through HSR is responsible for Program Management. D.A.R.T.S. is responsible for the Customer Service, Trip Management and Service Delivery functions. D.A.R.T.S. has a sub-contract arrangement with Veterans Transportation for taxi service.

Recurring historical problems are viewed by the majority of stakeholders as being irreconcilable without some change to the current model. Council social and fiscal goals are not being achieved.

Devolution of current City functions to D.A.R.T.S.

In addition to their current responsibility for the Customer Service, Trip Management and Service Delivery functions (including the sub-contract arrangement with Veterans Transportation), D.A.R.T.S. would assume responsibility for the Program Administration function. This was the situation prior to 1991.

This alternative minimizes City staff resource commitment and responsibility and accountability to Council for the efficient and effective delivery of Accessible Transportation Services. There is little support among the stakeholders for adoption of this alternative. This alternative is directly contrary to industry trends.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The operating budget implications of the recommended changes to the current model is the cost of wage harmonization for the estimated fifteen transferred employees in the order of magnitude of $75,000 which can be accommodated in the current Transit Division budget due to an ongoing operating surplus in the D.A.R.T.S. budget derived from a delayed implementation of service improvements previously approved by Council.

A Confidential Report will be presented at the Committee of the Whole meeting that will provide more detailed information on labour relations and legal issues.

POLICIES AFFECTING PROPOSAL:

The creation of the Advisory Committee for Persons with Disabilities by Council in August 2002 assigns a broad advisory role to Staff and Council to this Committee.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Consultant consultations included:

- Individual and combined meetings with D.A.R.T.S. Board of Directors, and D.A.R.T.S. General Manager and management staff.
- Input from C.U.P.E. representing D.A.R.T.S. wage employees
- Advisory Committee for Persons with Disabilities Committee of Council

Transit Staff consultations and follow-up meetings included:

- D.A.R.T.S. Board Chair
- Advisory Committee for Persons with Disabilities Chair

City Staff consultation and input included:

- Corporate Legal
- Corporate Labour Relations
- Corporate Services - Access and Equity Co-ordinator
- Finance and Administration

The Advisory Committee of Council convened a special meeting to consider the findings of the Consultant report that was provided to Council in the recent Project Update dated March 12, 2003. In consideration of the report the Advisory Committee resolved: "That the option preferred by the Advisory Committee for Persons with Disabilities be an in-house model run by the city (HSR) with a short transition period of one year."

The motion carried on a vote of 5 for, 2 against and 6 absent. Further, the Advisory Board wished that it be noted that the two members who voted against the motion were in support of the Hybrid model recommended by the report.

The Chair of the Advisory Board for Persons with Disabilities will be in attendance at the Committee of the Whole meeting in the event that members of Council might wish to direct questions to the Committee.

The Chair and General Manager of the D.A.R.T.S. Board will be in attendance at the Committee of the Whole meeting in the event that members of Council might wish to direct questions to the Board.

CITY STRATEGIC COMMITMENT:

- Goal: A Great City to Live In

Strategic Commitments: A Great City to Live In

f) Vision 2020 - A Sustainable City

Success Measure: # of Vision 2020 strategies implemented

- Vision 2020 Objective: Changing our Mode of Transportation

Goal: To develop an integrated sustainable transportation system for people, goods and services, which is environmentally friendly, affordable, efficient, convenient, safe and accessible.

Strategies: 100. Provide transportation services for people with disabilities that are equivalent to regular public transit and which provide for emergency needs and improve D.A.R.T.S. service so there are less time based restrictions".

- Vision 2020 Objective: Personal Health and Well-Being

Goal: To develop the social and physical environments to create a barrier-free community that allows all citizens to participate fully in community life.

Strategies: 149. Integrate the various transportation services (HSR, DARTS, CTAP and taxis) in order to establish a fare that is equitable across the system and addresses the quality of life of its passengers.

- Vision 2020 Objective: Community Well-Being and Capacity Building

Goals: To ensure public activities and decisions at all levels of government are co-ordinated, efficient, effective and easily accessible to all citizens.

To develop our economic, social and physical environments so as to enable the participation of all citizens and communities in local and regional community life.

APPENDIX I
TOE02207A

TRANSPORTATION FOR PERSONS WITH DISABILITIES

CONTRACT FOR SERVICES

BETWEEN

THE CITY OF HAMILTON

AND

DISABLED AND AGED REGIONAL

TRANSIT SYSTEM

DRAFT – JULY 12, 2002

TABLE OF CONTENTS

Page

1. PREAMBLE 1
1. SCOPE OF AGREEMENT 2
2. TERM OF THE CONTRACT AND CANCELLATION OF CONTRACT 4
3. CONTRACT SUBJECT TO LEGISLATION 5
4. OBLIGATIONS OF THE CONTRACTOR 6
5. OBLIGATIONS OF THE CITY 16
6. ASSETS 18
7. OPERATION OF THE TRANSPORTATION SERVICE 19
8. NOTICE 21
9. SUBCONTRACTS AND ASSIGNMENTS 22
10. RELATIONSHIP OF THE PARTIES 22
11. TIME 23
12. LAW OF CONTRACT 23
13. SEVERANCE 23
14. INDEPENDENT LEGAL ADVICE 23
15. GENDER, NUMBER AND CORPORATE STATUS 23
16. ENTIRE AGREEMENT 24
17. HEADINGS 24

SCHEDULES

A. SERVICE ELIGIBILITY REQUIREMENTS
B. SERVICE POLICIES AND STANDARDS
C. SERVICE FARES AND CHARGES
D. BUDGET APPROVAL PROCESS
E. MONTHLY PERFORMANCE REPORT OUTLINE
F. MONTHLY SUMMARY OF SERVICE REPORTS OUTLINE
G. MONTHLY STATEMENT OF REVENUES AND EXPENDITURES OUTLINE

THIS CONTRACT made in quadruplicate the 1st day of July, 2002.

BETWEEN

THE CITY OF HAMILTON
hereinafter called "the City"

OF THE FIRST PART,

-and-

DISABLED AND AGED REGIONAL TRANSIT SYSTEM
hereinafter called "the Contractor"

OF THE SECOND PART.

WHEREAS the City desires to provide a public transportation service for persons with disabilities within the City of Hamilton;

AND WHEREAS the City acknowledges the expertise developed by the Contractor, as well as the capital expenditures made on behalf of the Contractor, in order to operate the service, and, as such, the Contractor has agreed to provide such a public transportation service for the conveyance of persons with disabilities for the City;

AND WHEREAS the City and the Contractor have agreed to the terms and conditions for the operation of the service, as hereinafter set out;

AND WHEREAS the Contractor is a Corporation without share capital incorporated pursuant to the laws of the Province of Ontario and operating thereunder and, as such, is in a position to provide transportation services for persons with disabilities and the City desires to use the services of the Contractor within the City on the terms hereinafter set out;

AND WHEREAS this Contract has been entered into with the approval of the Council of the City and of the Board of Directors of the Contractor;

AND WHEREAS Subsection 11.12(4) of the *City of Hamilton Act, 1999*, as amended, provides that no person shall operate within the City a public transportation service without first having obtained written approval of the Council of the City;

AND WHEREAS the Council of the City, pursuant to Subsection 11.12(4) of the *City of Hamilton Act, 1999*, as amended, and subject to the terms and conditions herein, hereby grants permission for the Contractor to operate a public transportation service within the City;

NOW THEREFORE WITNESSETH that the parties, in consideration of the premises hereby, agree one with the other as follows:

1. SCOPE OF AGREEMENT

1.1 Subject to the terms and conditions of this Contract, the City grants to the Contractor the right, and for this purpose retains the services of the Contractor to provide, maintain and operate a public transportation service, except as hereinafter provided, in the City of Hamilton, for the conveyance of eligible persons with disabilities as defined in this Contract.

1.2 The following are the Schedules attached to and incorporated in this contract by reference and deemed to be a part hereof:

Schedule "A" - Service Eligibility Requirements
Schedule "B" - Service Policies and Standards
Schedule "C" - Service Fares and Charges
Schedule "D" - Budget Approval Process
Schedule "E" - Monthly Performance Report Outline
Schedule "F" - Monthly Summary of Service Reports Outline
Schedule "G" - Monthly Statement of Revenues and Expenditures Outline

1.3 The transportation services to be provided by the Contractor under this Contract shall be made available to those persons with disabilities who meet the service eligibility requirements set out in Schedule “A” hereto and who have been registered by the City's Accessible Transportation Services Office.

1.4 The City recognizes the autonomy and independence of the Contractor to negotiate and enter into private transportation contracts (to be called in this Contract “Private Contracts”) outside the terms and conditions of this Contract. Subject to Schedule “D”, the parties agree that the Contractor may enter into Private Contracts only if:

a) the Private Contracts do not interfere with the Contractor's obligation to provide the public transportation service required under this Contract;

b) the Contractor submits to the General Manager, Public Works Department for the City, hereinafter referred to as “the General Manager”, for his approval, details outlining how the expenditures and revenues from the Private Contract will be kept separate from those of this Contract, with assurance that the Contractor will properly account, at all times, for all such expenditures incurred and all such revenues collected and that the City will not incur any charges or costs attributable to the services provided under the Private Contract; and

c) the Contractor agrees in writing to compensate the City, on a full costs recovery basis, for the use of any vehicles, equipment or other capital assets or property owned, leased or financed by the City in whole or in part, out of the Capital Subsidy Program and employed by the Contractor in the provision of services under the Private Contract.

1.5 Notwithstanding the rights granted to the Contractor hereunder, the City reserves the right,

a) to develop and operate any pilot project for the conveyance of persons with disabilities in the City of Hamilton;

b) to provide transportation service to persons with disabilities necessitated by any interruption in the service provided by the Contractor under this Contract, due to a strike, lockout or other labour relations or industrial dispute, subject to and to the extent permitted by applicable federal and provincial legislation;

c) to develop and implement accessible transportation plans for the City of Hamilton, so long as these are not inconsistent with the terms and conditions of this Contract; and

d) to sever and operate such portions of the service contracted with the Contractor, and related to customer services and trip management (the reservations, scheduling and dispatching functions) which it may deem necessary, at its sole discretion, to implement accessible transportation plans for the City of Hamilton.

2. TERM OF THE CONTRACT AND CANCELLATION OF CONTRACT

2.1 The duration of this Contract is for a Term, commencing on the 1st day of July 2002, and ending on the 30th day of June 2007. At the expiry of the Term of this Contract, the City reserves the right to extend the Term of the Contract for a further five (5) year period; should such extension not be approved by City Council, the Contract will continue on a monthly basis until a new contract is signed or until cancelled on ONE HUNDRED AND TWENTY (120) days notice by either party.

2.2 Despite Section 2.1 herein and except as provided for in clause 5.6 of this Contract, either party, for any reason, may cancel this Contract upon giving the other party TWELVE (12) months notice of its intention to cancel this contract. During the TWELVE- (12) month period following such notice of cancellation, the contract shall remain in full force and both parties shall be obliged to use their best efforts to fulfil all of their obligations under the contract.

The party cancelling shall not be liable to the other party for costs or damages of any kind caused by such cancellation.

2.3 Upon the cancellation, expiry or termination of this Contract, for any reason, any duty or obligation of either party under this Contract that remains unsatisfied, in whole or in part, shall, nevertheless, continue until so satisfied, unless either party gives notice to the contrary. In addition, upon cancellation, expiry or termination of this Contract, all vehicles, property, both tangible and intangible, and equipment of the Contractor utilized in connection with the public transportation services hereunder shall be returned free and clear of all encumbrances to the City in good operating condition, subject to reasonable wear and tear.

2.4 The City shall not, by reason of cancellation, termination or expiry of this Contract, or for any reason whatsoever, be liable to the Contractor for compensation, reimbursement, or damages on account of the loss of prospective income, leases, or commitments in connection with the business or goodwill of the Contractor or otherwise.

3. CONTRACT SUBJECT TO LEGISLATION

3.1 This Contract is subject to the provisions of the *Public Transportation and Highway Improvement Act*, R.S.O. 1990, Chapter P.50, Part XV, *the City of Hamilton Act, 1999,* as amended, and the *Public Vehicles Act*, R.S.O. 1990, Chapter P.54, as amended from time to time, and such successor or other applicable legislation as may be passed from time to time.

4. OBLIGATIONS OF THE CONTRACTOR

THE CONTRACTOR SHALL:

4.1 Provide, maintain and operate, at its expense, a modern and efficient public transportation service for the persons with disabilities registered by the City as eligible for this service, in accordance with the service policies and standards outlined in Schedule “B” hereto and in accordance with the annual service program and budget approved by City Council.

4.2 Provide special services from time to time, at the discretion of the Contractor, provided that such service does not interfere with or jeopardize the regular service. The rates charged by the Contractor for these special services shall be based on the principle of full cost recovery, and shall be amended at the discretion of the Contractor and published by the Contractor from time to time. The revenues from such special services shall be reported on a monthly basis and shall form part of the general revenues reported by the Contractor.

4.3 Provide service for extended hours of operation outside of the service standards outlined in Schedule "B" hereto, at the discretion of the Contractor's Board of Directors, provided that the cost of such extended service does not increase the total service expenditures for that year beyond the Fee for Service approved by the Council of the City in accordance with Schedule "D" hereto for that year and provided that such a change in hours of operation does not result in long-term, ongoing costs beyond the current Fee for Service approved by the Council of the City in accordance with Schedule "D" hereto. Any such changes or other contractual commitments that result in budget overruns or long-term, future or ongoing costs to the City must be approved by the Council of the City in accordance with Schedule "D" hereto prior to implementation. The Contractor shall report such changes to the General Manager within a responsible period of time and not later than the next monthly report to the General Manager as noted in Section 4.26 herein.

4.4 Advise the General Manager of any major operational policy changes deemed necessary by the Contractor.

4.5 Notify the City in of extraordinary operating delays or service cancellations, as outlined in Schedule "B" hereto.

4.6 Be excused from its operating obligations under this Contract during any period in which the Contractor is prevented from providing the public transportation service required hereunder by reason of any matters beyond the reasonable control of the Contractor, which may include but is not limited to emergency circumstances, fire, strike, lock-out, riot, act of God, or weather.

4.7 Pay all expenses associated or connected with providing, operating, and maintaining the service; except as specifically excluded by this Contract, which exclusion may include the purchase of vehicles, equipment and any other capital assets or property that are purchased by the City and leased or otherwise provided to the Contractor, as provided for herein.

4.8 Maintain a suitable office for the transportation service to be provided under this Contract, which shall contain telephone answering, booking service, and dispatch facilities as follows:

i) To provide general information to callers regarding the transportation service provided by the Contractor;

ii) To accept as many reservations as possible consistent with passenger capacity and availability of the vehicles;

iii) To negotiate alternate service times with passengers where unable to accommodate the requested service time, as set out in Schedule “B” hereto;

iv) To keep a record of any complaints, unfulfilled requests for service, cancellations and no-shows;

v) To remind passengers that any unscheduled return or “call-return” trip may require extended waiting and riding time;

vi) To inform passengers awaiting transportation of significant service delays affecting them; and

vii) To provide radio dispatch facilities for vehicles. Adequate transportation service reservations lines, dispatching and booking facilities shall operate as set out in Schedule “B” hereto.

In all telephone contacts with passengers or the public, it shall be a specific requirement of this Contract that employees of the Contractor must be courteous to all callers; must greet each caller by identifying the name of the Contractor; and must identify themselves by name.

4.9 Maintain confidentiality of passenger records, providing only such information to its employees as is required to ensure a high level of safety and service quality for passengers, and shall use its best efforts to ensure that passenger information is not divulged to persons other than employees of the Contractor.

4.10 Make available to the Accessible Transportation Services office of the City, at no charge to the passenger and their attendant or companion, and at no additional charge to the City other than as provided for in this agreement, three (3) a.m. and three (3) p.m. return trips on each weekday, between the hours of 10:30 a.m. and 2:30 p.m., for the transportation of applicants to registration and orientation interviews.

4.11 Inspect and assess the pick-up situation at the home of an applicant for service to determine accessibility for vehicles and drivers after being advised by the City that there is a new applicant for service. If the Contractor confirms with the City that service may be delivered in a safe and predictable manner as set out in Schedule "B" hereto, then the applicant will be eligible for final registration by the City. Upon being notified by the City that an existing passenger's personal circumstances have changed, the Contractor will inspect and assess the pick-up situation to determine accessibility for vehicles and drivers. If a service cannot be delivered in a safe and predictable manner as set out in Schedule "B" hereto, the City may revoke service eligibility for the existing passenger, pending the Contractor being able to deliver the service in a safe and predictable manner as set out in Schedule "B" hereto.

4.12 Provide a lost and found service for system users.

4.13 Distribute at its place of business to passengers of the service or the general public, and distribute or display on the vehicles used in the service, such printed information or advertising as the City may see fit to provide; or which the Contractor may wish to provide and has obtained the prior written consent of the City, which prior written consent shall not be arbitrarily or unreasonably withheld.

4.14 Establish a system of fare distribution and collection for regular services in accordance with Schedule "C" hereto and collect the fares for such service. As provided herein, proper accounts shall be kept of all fare distribution and collection, and form part of the financial records available to the City for its review or audit.

4.15 Provide sufficient drivers who have the training and knowledge required by the Contractor to fulfil all of its obligations in the provision of service. These drivers shall be in good mental and physical health and possess a valid Drivers' License as required by the Contractor and provincial legislation and regulations. Drivers shall be alert and well rested at all times while operating the vehicles. Drivers shall not use any intoxicants, drugs or other substances, which may impair their ability to operate the vehicles in a safe and proper manner. Drivers shall be polite, and shall not smoke inside the vehicle. Drivers shall wear a uniform, which conveys a neat and professional image; the design of the uniform shall be subject to approval by the City. Drivers shall be required to maintain grooming, appearance and personal hygiene standards, which convey a high quality professional image.

The City shall reserve the right to identify the requirement for an individual driver to improve his or her uniform appearance or his or her personal appearance and to inform the Contractor accordingly. In the event that the Contractor is unable to achieve the improvement desired by the City, the City shall reserve the right to direct the Contractor to remove the individual from delivery of services under this Contract and the Contractor shall undertake such action.

4.16 Establish appropriate manuals, procedures and codes of conduct, by which employees will be governed. It is acknowledged and agreed that the Contractor currently has separate collective agreements with the Canadian Union of Public Employees as relates to its drivers, and its non-supervisory maintenance and inside workers, and all discharge and disciplinary matters will be handled pursuant to the terms and conditions of these agreements.

4.17 Instruct its drivers to operate the vehicles in accordance with all Provincial legislation and regulations and by-laws of the City and the area municipalities, and shall obtain, maintain and comply with, at its expense, all necessary licenses, permits, approvals, certifications, etc., to operate the service.

4.18 Maintain a suitable vehicle maintenance and storage facility for the transportation service to be provided under this Contract, which will contain amenities necessary for the Contractor to maintain its obligations as set out in this Contract hereto.

4.19 Be responsible for all maintenance functions associated with the vehicles and equipment used in the public transportation service.

4.20 Maintain all vehicles in safe working order and provide a Certificate of Mechanical Fitness for each vehicle used in the service, prior to commencing the service and at least annually thereafter. The Contractor shall keep records of vehicle maintenance, as specified within the Vehicle Equipment Lease Agreement between the City and the Contractor, and shall provide access to these records by the City on request.

4.21 Have an exterior paint scheme and logo acceptable to the City on vehicles used regularly for the service, and only make changes to the exterior paint scheme and logo with the written approval of the City.

4.22 Equip each vehicle used in the service with a radio, capable of radio dispatch within the service area.

4.23 Keep all vehicles clean and sanitary, inside and out, and maintain adequate heat and light inside the vehicle during operation. The vehicle's interior shall be warm at the start of service. The Contractor shall repair all scratches, dents, and other marks on the vehicles promptly and to the satisfaction of the City's authorized representative.

4.24 Maintain measures, established in advance, to ensure that accidents, breakdowns or other unforeseen events do not disrupt the provision of scheduled services to customers. The Contractor shall arrange for back-up drivers to be reasonably available for service operations in the event a driver does not report for a regular shift or is unable to complete a regular shift for any reason.

4.25 Agree that, subject to the terms of any Collective Agreement entered into between the Contractor and its employees, and subject to the operating requirements and practices of the Contractor, the Contractor will endeavour to assign drivers on a regular basis to the transportation service to be provided under this Contract, to allow familiarity, service continuity, and passenger recognition to develop. Should it be necessary to replace one or more drivers, the Contractor shall ensure that the new driver(s) has (have) the training and knowledge required by the Contractor to fulfil all of its obligations in the provision of service.

4.26 Keep proper accounting and operating records in accordance with generally accepted accounting principles and provide a monthly report to the City which shall contain, but not be limited to, the information outlined in Schedule “E”.

In addition, the Contractor shall keep all other records as may reasonably be required by the City from time to time and assist the City in providing the reporting requirement of transit associations, Provincial or Federal Government agencies or similar bodies. Subject to Schedule “D” hereto, the Contractor shall also provide to the City monthly income statements. These reports are to be provided as soon as possible following the month end but no later than the 20th day thereafter.

The records of the Contractor shall, at all times, be open to audit by the City. In the event that the province should during the term of this Contract supply financial assistance either directly or indirectly to the Contractor, then the records of the Contractor shall also be, at all times, open to audit by the Province.

Year-end reports are to be provided by the Contractor to the City as soon as possible in the New Year but not later than February 5th of the same year.

Approved audited statements are to be submitted by the Contractor to the City as soon as possible in the New Year but not later than March 31st of the same year.

4.27 Keep record of all accidents or situations involving vehicle collisions, passenger injuries, etc., and report them promptly to the police and the Contractor's insurance agent. The Contractor shall provide a monthly summary of accidents in a form satisfactory to the City on a monthly basis. A written report shall be made by the driver and kept on file by the Contractor for the purposes of obtaining advice from the

Contractor's legal representative concerning liability arising from the accident and/or situation.

4.28 Submit to the City, by November 1st of the previous year, with the Contractor's Board of Director's approval, an Annual budget containing Capital, Operating and Annual Service Plan information as outlined in Schedule “D” which shall be subject to the approval of the Council of the City for each year.

4.29 Provide the General Manager with a copy of minutes of the Board of Director's meetings other than those held in-camera or subject to solicitor/client privilege.

4.30 Indemnify and save harmless the City and The Hamilton Street Railway Company from all losses, damages, expenses, and all suits, claims, proceedings, causes of action and demands arising by reason of or connected in any way, with the Contractor's operation and maintenance of the service provided under this Contract, which obligation shall survive termination of this Contract.

4.31 As further security for such indemnity, the Contractor shall take out and maintain throughout the entire term of this Contract the following insurance coverage:

a) Commercial General Liability Insurance

To cover against liability claims for personal injury, bodily injury including death, property damage, or loss from any cause, arising out of all occurrences, operations, or of the acts or omissions of the Contractor, its agents, servants or employees, protecting and indemnifying the City and the Contractor. Such coverage will have a limit of not less than Five Million Dollars ($5,000,000) inclusive in respect of each claim/occurrence, or such higher limits as the City, acting reasonably, may from time to time require. Coverage shall include but not be limited to the following: non-owned automobile liability, including standard contractual liability endorsement, contingent employer's liability, blanket contractual liability, completed operations liability, owners/contractors protective liability.

Such coverage will include the City and The Hamilton Street Railway Company as an additional insured and contain a cross-liability clause and a severability of interest clause.

b) Standard Ontario Policy Form Automobile Insurance

To cover all licensed vehicles owned or leased by the City and/or by the Contractor and used in connection with the operations under this Contract.

Such coverage will include:

i) Third Party Liability coverage having a limit of not less than Ten Million Dollars ($10,000,000) for personal injury, bodily injury including death, or property damage, in respect of each claim/occurrence or such higher limits as the City, acting reasonably, may from time to time require;

ii) Accident Benefits coverage in accordance with the legislation and regulations of the Province of Ontario;

iii) “All Perils” coverage with respect to any loss of or damage to each and every vehicle, including associated or related equipment, used by the Contractor in the performance of its obligations under this Contract.

iv) OPCF 5, (permission to rent or lease automobiles)

v) OPCF 6A (permission to carry passengers for compensation)

vi) OPCF 22 (damage to property of passengers)

Such coverage shall include the City and The Hamilton Street Railway Company as an additional insured and contain a cross-liability clause and severability of interest clause.

c) Directors' & Officers' Liability Insurance

To cover directors and officers of the Contractor against claims resulting from negligent or wrongful acts in the performance of their duties. Such coverage shall have a limit of not less than One Million Dollars ($1,000,000) per claim;

d) Environmental Impairment Liability Insurance

To cover against claims for personal injury, death, property damage or loss arising out of operations, occurrences, use, or existence of any fuel storage tank(s) in the ownership, care, custody, or control of the Contractor. Such coverage shall have a limit of not less than Two Million Dollars ($2,000,000) per claim/occurrence. Environmental impairment shall mean arising out of any discharge, dispersal, release or escape of smoke, vapours, soot, fumes, acids, alkalis, toxic chemicals, pollutants into or upon land, atmosphere, or any water of any description, no matter where located or how contained, or into any watercourse, drainage or sewer system.

e) With respect to each of the coverage set out in a) and b) above, the Contractor shall pay all premiums and costs of insurance required herein. All policies of insurance will be in a form satisfactory to the City and shall be primary and not call into contribution any other insurance available to the City.

Certificates of Insurance originally signed by authorized insurance representatives shall be delivered by the contractor to the City prior to the execution of an Agreement and for all policy renewals thereafter during the term of the Agreement within sixty (60) days of their renewal date. The contractor also agrees that upon request by the City, certified copies of all the required policies shall be provided to the City.

The Contractor shall within SEVENTY TWO (72) hours of its being notified by the Insurer, notify the City of any cancellation or intended cancellation by the Insurer of any of the said Policies. Each Policy shall provide that no material changes, termination or cancellation shall be effective without THIRTY (30) days' prior written notice by the Insurer to the City.

The Contractor shall not do, or omit to do, or suffer anything to be done, or omitted to be done, which may in any way impair or invalidate the insurance policies.

Any insurance coverage required hereunder shall in no manner restrict or limit the liabilities assumed by the Contractor.

All insurers shall be licensed to do business in Ontario and such insurance policy wording and terms shall be acceptable to the City.

The City shall, at its discretion reserve the right to request additional limits or coverages as it requires.

Provided that if the contractor fails to take out or maintain such insurance, the City at is options shall be entitled to terminate this contract forthwith or the City shall have the right to take over and maintain such insurance and the contractor shall forthwith pay to the City any premium paid by the City under such insurance.

f) Workers' Compensation

Prior to execution of the Contract by the City and from time to time as may be required by the City, the Contractor shall produce a Certificate of Good Standing from the Workers' Compensation Board.

4.32 Not encumber or dispose of; without the prior written approval of the City, any vehicles, equipment or other capital assets or property. The Contractor shall execute and deliver to the City the Vehicle Equipment Lease Agreement contemporaneously with the execution of this Agreement.

4.33 Appoint its General Manager as its authorized representative.

5. OBLIGATIONS OF THE CITY

THE CITY SHALL:

5.1 Appoint the General Manager as the authorized representative for the purpose of performing its duties under this Contract. In addition, the General Manager or his designates may inspect the dispatch facilities, vehicles, the operation of the same, the maintenance facilities and the maintenance procedures of the Contractor as the City may require from time to time. The General Manager agrees to advise the Contractor of his designated representative who may assist him in carrying out any of the City's duties under this Contract.

5.2 Appoint two persons who shall act as observers of the activities of the Contractor's Board of Directors. It is understood and agreed that such two persons shall not be considered as members of the board of Directors for any purpose whatsoever. It is further understood and agreed that the two persons appointed by Council shall have all of the rights and privileges of members of the Board (except the right to vote) including but not limited to access to any reports or audits considered by the Board save and except those matters in which there is or may be a conflict between the interests of the Contractor and those of the City and which are subject to solicitor and client privilege. It is further understood and agreed that the two appointed persons shall have the right, at their own discretion, to advise Council of information obtained in their capacity as observers of the Board. Neither the Board nor any person connected with the Contractor shall have recourse whatsoever against the said observers for disclosure of such information to Council or for any actions that result therefrom. It is recognized that the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* shall apply to any such disclosure by the observers to Council.

5.3 Subject to the provisions of clause 5.6 hereof; pay to the Contractor an annual Fee for Service for the transportation service to be provided by the Contractor under this Contract in accordance with the budget approved by the Council of the City in its absolute discretion for that year, and as may be subsequently adjusted, all as provided for in Schedule "D" hereto. The annual Fee for Service shall be advanced in twelve (12) payments; each payment to be made at least fifteen (15) calendar days prior to the month in which it is due, commencing at a "maintenance level" based on the previous years approved budget, and subject to adjustment upon final Council approval of the Fee for Service for the budget year, unless otherwise approved and directed by Council.

5.4 Approve the system of monitoring the transportation service of the Contractor and analyzing the data supplied.

5.5 Accept applications from persons wishing to use Contractor's services and register those persons who meet the eligibility criteria. The City will provide the Contractor with necessary information for the Contractor to assess the accessibility of the home address of potential new passengers, as outlined in Section 4.11 hereto, prior to confirmation of the registration of the passenger. The necessary information that is required to provide transportation service to the passenger will be provided to the Contractor by the City.

Subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act, the City agrees to use its best efforts to ensure that these passenger files are confidential and are not released to any third party without written consent of the passenger.

5.6 Notwithstanding any other provision contained within this Contract or any Schedule attached hereto, nothing herein shall obligate the City to approve the submitted budget of the Contractor and the City's approval of such budget shall be fully discretionary on the part of City Council and the City shall be fully entitled to approve whatever level of service and budget requirements may be deemed necessary in its absolute discretion. Furthermore, in the event the Council of the City elects to discontinue this service and discontinue budget funding, this Contract may be terminated by the City on not less than thirty (30) days written notice to the Contractor whereupon this Contract shall be terminated without any further liability, obligation or responsibility on the part of the City other than liabilities incurred by the Contractor in accordance with the provisions of this agreement and the budget approvals of Council up to the date of termination or as a result of the termination of the Contract.

5.7 Purchase all vehicles, equipment and other capital assets or property required by the Contractor for the transportation service to be provided under this Contract, so long as such vehicles, equipment and other capital assets or property are eligible under the Capital Subsidy Program, as defined in Schedule “D” hereto, and are provided for in the Annual Capital Budget of the Contractor, as defined in Schedule “D” hereto, approved, in advance, by the Council of the City in accordance with Schedule “D” of this Contract. The City agrees to lease such vehicles, equipment and other capital assets or property to the Contractor in accordance with the Vehicle Equipment Lease Agreement between the City and the Contractor. The City agrees to consult with the Contractor on an annual basis, prior to capital budget recommendation to City Council, to determine the needed fleet size and upcoming vehicle replacement strategy; and vehicle characteristics including vehicle type and size; seating configuration; and imperative and optional vehicle features. Vehicles, which are surplus to the Contractor's requirements, shall be disposed of by the City.

6. ASSETS

6.1 The City and the Contractor agree that the title to all assets, vehicles, equipment, material, supplies, facilities and other property, both tangible and intangible, employed or used by the Contractor in the provision of public transportation services under this Contract to eligible persons with disabilities within the City, shall be and remain vested with the City unless there has been a specific written Agreement between the Contractor and the City to the contrary providing for an alternative ownership arrangement.

6.2 If the Contractor ceases, for any reason, the provision of the public transportation service required under this Contract, it is understood between the parties that all assets of the Contractor will remain the property of the City and the City shall be entitled to the immediate full possession and control of all such assets and property of the Contractor.

7. OPERATION OF THE TRANSPORTATION SERYICE

Since service to persons with disabilities is of paramount importance to both the City and the Contractor, the parties agree that:

7.1 Subject to budgetary constraints, they shall use their best endeavours to provide a good and efficient service for the registered passengers within the City, utilizing industry performance standards to measure the effectiveness and efficiency of the service which shall include but are not limited to: dedicated service trips per hour; dedicated service kilometres per hour; service trips per registrant; service trips per capita; service on-time performance; unaccommodated service requests; cancelled trip requests; passenger complaints and injuries; and vehicle accidents.

7.2 They shall meet on a quarterly basis, or more often as required, to review service performance, issues, and deficiencies; and to formulate and enact plans to correct such issues and deficiencies or to otherwise enhance the service.

7.3 In the event of any dispute arising from this Agreement between the Contractor and the City during the currency of this agreement, either party hereto shall give to the other notice of such dispute; thereupon, the following arbitration provisions shall apply:

i) The Contractor and the City shall jointly choose a single arbitrator, acceptable to both, to hear and decide the matters in dispute. The decision of the arbitrator shall be binding on both parties.

In the event that the parties hereto should be unable to agree on the choice of a single arbitrator, each party shall appoint an arbitrator, who shall jointly select a third arbitrator and the decision of any TWO (2) of them shall be final and binding upon the parties. In any event, the selection of the arbitrators shall take place within SEVEN (7) days of the giving of notice of dispute as herein before provided. If selection has not occurred in SEVEN (7) days, then the arbitrator selected by one party shall be the sole arbitrator.

ii) The cost of the arbitration shall be paid jointly by the Contractor and the City and the arbitrator or arbitrators shall determine what portion each party shall pay.

iii) The ruling of the single arbitrator or a majority of the THREE (3) arbitrators shall be final and binding upon the parties and complied with by the parties forthwith.

iv) During the period of any arbitration proceedings there shall be no interruption of the service.

v) The arbitrator to be appointed by the City shall be made by the General Manager, Public Works Department for the City from time to time or such other personas the General Manager shall appoint.

vi) The Arbitrations Act, R.S.O. 1990, c. A.24, as may be amended from time to time, applies to any arbitration proceedings to be conducted under this Article.

8. NOTICE

Any notice to be given pursuant to the provisions of this Contract shall be deemed to be properly given if in writing and delivered personally or mailed by registered mailed as follows:

a) If to the City:
General Manager, Public Works Department
Transit Division: The Hamilton Street Railway Company
2200 Highway No. 6, RR #1
Mount Hope, ON L0R 1W0
b) If to the Contractor:
General Manager
Disabled and Aged Regional Transit System
P.O. Box 10
2200 Highway No. 6 South
Mount Hope, ON L0R 1W0

c) such other address of which the party to be notified shall have given notice to the other party in accordance with this paragraph and any notice so delivered shall be deemed to have been received by the Contractor or City, as the case may be, on the date the notice is delivered or on the next following business day after posting of the registered letter.

9. SUBCONTRACTS AND ASSIGNMENTS

9.1 It is agreed and understood between the parties that the Contractor at the present time provides transportation services, by the utilization of its own employees, and additionally by subcontracting out work to independent subcontractors to perform transportation services as contemplated herein. The Contractor agrees that it will notify in writing and consult with the General Manager at least TEN (10) days' in advance, on any work to be subcontracted out through a tender or other procurement process. The Contractor further agrees that, where any work that the Contractor intends to subcontract will have the effect of committing the Contractor to an expenditure beyond the calendar year or the Term of this Contract, the Contractor will not tender or otherwise initiate any process to procure such work without the prior written and timely notice to and consultation with the City. The Contractor further agrees that, in awarding any subcontracts, it will ensure that such awards will be in keeping with a tendering or procurement process, which is compatible with that utilized by the City. Notwithstanding the foregoing, any and all agreements entered into by the Contractor shall ensure that the services provided by any other party conform, in every respect, to the terms and conditions of Section 4, as contained in this Contract. The Contractor agrees to provide the City with a copy of all such agreements for subcontracted services.

9.2 Subject to Section 9.1 herein, neither this Contract nor any part of it shall be assigned by the Contractor without the prior written approval of the Council of the City, which prior written approval of the Council may be arbitrarily or unreasonably withheld.

10. RELATIONSHIP OF THE PARTIES

10.1 Nothing contained herein shall be construed to mean that the City and the Contractor are partners or joint venturers, or have any relationship other than that of principal and independent contractor.

11. TIME

11.1 Time shall be of the essence in this Contract.

12. LAW OF CONTRACT

12.1 This Contract shall be interpreted and enforced in accordance with the laws of the Province of Ontario and the laws of Canada as are applicable in the Province.

13. SEVERANCE

13.1 If any of the provisions of this Contract or their application to any person or circumstance are to any extent illegal, invalid or unenforceable, the remainder of this Contract shall be construed as if such illegal, invalid or unenforceable provision had never been contained in it.

14. INDEPENDENT LEGAL ADVICE

14.1 The Contractor and the City acknowledge having obtained independent legal advice from its own solicitors with respect to the Terms and Conditions of this Contract prior to execution, and further acknowledges that they understand the Terms and Conditions, and their obligations and liabilities, under this Contract.

15. GENDER, NUMBER AND CORPORATE STATUS

15.1 It is agreed that this Contract shall be read with such changes of gender, number, and corporate status as the context may require.

16. ENTIRE AGREEMENT

16.1 This Contract contains the entire and only understanding between the parties relating to the subject matter of this Contract and supersedes all prior agreements, arrangements, promises, representations, or other understandings, whether written or oral, between them. This Contract shall not be amended, in any way, except in writing executed by both parties with the same formalities, including all necessary prior approvals as this Contract.

17. HEADINGS

17.1 Any note appearing in a heading in this Contract has been so inserted for convenience and reference only and of itself cannot define, limit or expand the scope or meaning of this Contract or any of its provisions.

IN WITNESS WHEREOF the parties hereto have affixed their respective Corporate Seals duly attested by their Officers authorized in that behalf.

SIGNED AND SEALED this 1st day of July 2002

In the presence of **DISABLED AND AGED REGIONAL TRANSIT SYSTEM**

PER: ________________________________

President

PER: ________________________________

Treasurer

PER: ________________________________

General Manager

THE CITY OF HAMILTON

PER: ________________________________

Mayor

PER: ________________________________

City Clerk

SCHEDULE "A"

SERVICE ELIGIBILITY REQUIREMENTS

A1. As approved by Council in Report TRA 97-031, the following points outline the components of the policy governing registration for Accessible Transportation Services.

- All D.A.R.T.S. passengers registered for service prior to October 1995 are "grandfathered" and may continue to access D.A.R.T.S. service. This grandfathering does not distinguish between ambulatory and non-ambulatory passengers. They may also access the City Taxi Scrip Program.

New Applicants:

- *Persons with a disability who are unable to use conventional transit due to the nature of their disability, **and** who use a wheelchair, scooter or walker, or who require kidney dialysis, or who are diagnosed with Alzheimer, are eligible for D.A.R.T.S. service and the City Taxi Scrip Program.*

*Persons with a disability who are unable to use conventional transit due to the nature of their disability, **but** who do not use a wheelchair, scooter or walker, do not require kidney dialysis, or are not diagnosed with Alzheimer, are eligible for the City Taxi Scrip Program **only**; they are not eligible for D.A.R.T.S. service*

A2. The transportation services provided by the Contractor shall be made available to persons with disabilities who meet the above requirements, or such requirements as may be approved by City Council from time to time; subject to budget constraints; and are resident within the boundaries of the City of Hamilton; or are registered with another municipal transit service for persons with disabilities and are approved for service eligibility, on a temporary or basis, by the ATS office of the City. From time to time, the Council of the City may, by passing a resolution, change these eligibility requirements. The City shall provide the Contractor with notice of any such changes.

SCHEDULE "B"

SERVICE POLICIES AND STANDARDS

In the delivery of specialized transportation services, the Contractor shall achieve and maintain the service policies and standards listed in this section, throughout the term of the Contract.

B1. HOURS OF SERVICE

The specialized transportation services shall be operated to provide passenger pick-ups during the following hours, subject to changes specified by the City during the term of the Contract:

Weekdays	7:00 A.M. to 11:00 P.M.
Saturdays	8:00 A.M. to 11:00 P.M.
Sundays	8:00 A.M. to 11:00 P.M.
Statutory Holidays	9:30 A.M. to 11:00 P.M.

Due to the inexact nature of many passenger trip requests, the Contractor shall recognize that adherence to above noted hours may require discretion to be applied by the Contractor, such as in the case of dialysis passengers whose treatment schedule may require delay of their scheduled 11:00 p.m. pick-up by a few minutes.

B2. SERVICE AREA

The service shall provide for passenger trips with origins and destinations within the boundaries of the City of Hamilton, or to or from such cross-boundary transfer point(s) as might be designated by the Contractor for use and approved by the City from time to time.

B3. DOOR-TO-DOOR, SHARED RIDE SERVICE

The Contractor shall design and operate the service to accommodate the required passenger trips in a safe and predictable manner, providing transport of passengers as safely, conveniently and lawfully close as possible to or from an accessible building entrance door. Operational schedules shall be designed so as to maintain the privacy of individual passengers. Drivers will be required to assist passengers in and out of vehicles and to assist passengers between the vehicle and the exterior set of accessible doors at the place of trip origin and destination. At other than private residences, the driver will also assist passengers to and from a lobby or designated waiting area that is reasonably close to the outer accessible entrance door. Drivers will also ensure the delivery of specified passengers with a cognitive or mental disability or dementia to a responsible caregiver when so specified by the City, giving primacy to the security of these passengers above all other requirements. Drivers will be required to safely secure all wheelchairs, scooters and other mobility aids in the vehicles. In the case of wheelchair passengers, the driver will not be expected to move a chair up or down more than one step. At homes equipped with ramps, snow and ice or other obstacles must be removed prior to passenger pick-up. The Contractor shall have clear procedures and policies, which delineate the handling of passengers using wheelchairs and other mobility devices.

In no situation will the Contractor be expected to provide service where the pick-up or drop-off of a passenger cannot be done in a safe and predictable manner. In circumstances where service is denied due to unsafe conditions, and resolution with the passenger cannot be negotiated, the Contractor will report this to the City.

B4. SERVICE RESERVATION TYPES

The Contractor will provide four types of service reservation for passengers:

i) Subscription Service:

Required by many passengers who are picked up at the same location and time and taken to the same destination each weekday morning, and picked up and returned home at the same time each afternoon.

ii) Booked Trip Service:

Required by passengers on a non-recurring or infrequent basis. This service has traditionally been offered in periods outside of the weekday peak periods when most subscription trips occur, or during peak periods as schedule time is available.

iii) Call Return Service:

Required by passengers for medical trips, where the duration of the appointment may not be readily known to the passenger at the time of trip reservation. The passenger calls dispatch when the return trip is required, and the Contractor responds as soon as possible within a one-hour time frame.

iv) Special Service:

Required on an infrequent basis by community agencies or passenger groups to move groups of passengers at one time. These requests for service must be done well in advance and can be provided only if they do not interrupt regular service.

B5. TRIP TIMES

The service delivered by the Contractor involves shared rides, where the passenger might reasonably expect to be on a vehicle for up to sixty (60) minutes, depending on trip length, time of day and many other factors. Passenger trips shall be scheduled such that a passenger is not on a vehicle for more than the greater of seventy-five (75) minutes or two times the direct driving time, under normal conditions. In any instance where a passenger is on a vehicle for more than ninety (90) minutes, for any reason, the driver shall submit a report, noting the reason, and a summary report of incidents shall be provided to the City at the end of each month.

B6. PASSENGER CONTACT AT TRIP ORIGIN

Efficient service is dependent on vehicle arrival within the pick-up window noted in subsection B7. below, but arrival exactly on the reserved pick-up time is not always possible due to weather or passenger delays. When a vehicle arrives at a trip pick-up address, the driver shall go to the door and provide notice of the vehicle arrival. If the passenger is not at the door or does not respond to notice of vehicle arrival, the driver shall contact the dispatcher, who will telephone the residence. The driver will wait five

(5) minutes past the actual arrival time, regardless of the scheduled time, provided that arrival was within the pick-up window noted in subsection B7. below. At that point the driver shall confirm a “no-show” with the dispatcher and note the incident on their schedule, prior to proceeding.

B7. PICK-UP WINDOW

The Contractor shall schedule and operate the vehicles such that the vehicle arrives at each trip origin address not more than fifteen (15) minutes before the scheduled pick-up time and not more than fifteen (15) minutes after the scheduled pick-up time, or such other predefined window as may be mutually agreed by the Contractor and the City from time to time. The Contractor will further recognize the requirement of some passenger trips to be operated as “time-certain”, as pick-up at school, work and many programs cannot be done other than at the specified time. In each case, where the driver arrives outside this pick-up window, it shall be reported by the driver, along with the reason. The Contractor shall summarize the number of arrivals outside the pick-up window on a daily basis and submit a monthly report to the City.

B8. DROP-OFF WINDOW

The Contractor shall schedule and operate the vehicles such that the vehicle arrives at each trip destination address not more than fifteen (15) minutes before the scheduled arrival time and not more than fifteen (15) minutes past the scheduled arrival time. The Contractor will further recognize the requirement of some passenger trips to be operated as “time-certain”, as arrival on time at school, work and some other appointments must be a priority. In each case where the driver arrives outside this drop-off window, it shall be reported by the driver along with the reason. The Contractor shall summarize the number of arrivals outside the drop-off window on a daily basis and submit a monthly report to the City.

B9. CALL RETURNS

Call returns are currently used to deal exclusively with medical trips where the duration of the appointment may not be readily known to the passenger at the time of trip reservation. The Contractor shall accommodate all requests for call returns, which have been arranged by previous reservation, dispatching a vehicle to arrive at the pick-up location upon request. Call returns shall be accommodated such that a passenger is picked up within forty-five (45) minutes under normal conditions. In any instance where a call return has not been provided within sixty (60) minutes, for any reason, the Contractor shall submit a report to the City, noting the reason. A summary report of call returns shall be provided to the City at the end of each month.

B10. TRIP CANCELLATIONS

The Contractor shall maintain a clearly advertised policy with regard to client cancellation of a trip.

B11. NO-SHOWS

No-shows have a detrimental effect on the efficiency of service, and detract from the availability of rides available to passengers. A “no-show” occurs when a passenger books a trip, does not cancel ahead of time, and is not available at the time the vehicle arrives within the pick-up window. In all incidents, the Contractor shall take reasonable steps to contact the passenger prior to recording a no-show, as outlined in subsection B6. above. Drivers shall record no-shows on their daily trip report. The Contractor shall be responsible for development and administration of the no-show policy.

In circumstances where a passenger continues to abuse their registrant privilege by failing to cancel trips, the Contractor may suspend service subject to an agreement with the passenger on resolution. The Contractor shall summarize no-shows as part of the Monthly Performance Report to the City. In each instance of a service suspension for no-shows, the Contractor shall provide a report to the City documenting the issues.

B12. PASSENGER SERVICE SUSPENSIONS

In the event a passenger has an excessive number of no-shows, or repeatedly behaves in a manner that disrupts service, or threatens the safety and security of other passengers or Contractor staff, the Contractor shall have the discretion to suspend or terminate that passenger's privilege of using the service. Prior to service being suspended or terminated, a written notice shall be provided to the passenger and to the City.

B13. ATTENDANTS AND COMPANIONS

Passengers requiring the assistance of an attendant or companion shall be allowed to have such attendant or companion travel with them on the Contractor's vehicles, provided that a regular fare is paid by the attendant or companion; and in the case of a companion, that space is available on the assigned vehicle. Passengers travelling with an attendant or companion shall advise the Contractor's staff of this at the time the trip is booked. The Contractor shall report each trip by an attendant or companion as a paid fare.

B14. SERVICE CANCELLATION

The Contractor may cancel the service due to weather or other extraordinary conditions which would pose a clear risk to passengers' safety and which clearly prevents the operation of the service in a safe and predictable manner. In the event that the Contractor does cancel the service, information regarding this cancellation shall be provided to all radio stations based in the Hamilton area within one hour of such cancellation. The information shall be provided both by telephone and by e-mail or fax, with a record maintained of the transmissions. The City shall also be notified of such cancellation within one hour.

SCHEDULE "C"

SERVICES FARES AND CHARGES

The service fares shall be as follows:

C1. Regular passengers serviced by the Contractor shall pay such fare and/or other fees as may be directed by the Council of the City from time to time.

C2. The rates charged by the Contractor for special services shall be based on the principle of full cost recovery, and shall be amended at the discretion of the Contractor and published by the Contractor from time to time.

SCHEDULE "D"

BUDGET APPROVAL PROCESS

In order for the City to properly assess the budgetary requirements of the Contract, the Contractor must provide, within such time frames as are requested by the City, the following information in a detailed format approved by the City:

D1. Annual Operating Budget

a) The City shall identify and confirm a range of service options to be considered for the budget year. The City and the Contractor shall meet to discuss the service options and the potential implications on the Contractor's budget. As part of the budget process, the City may request further options or refinements be addressed by the Contractor and the Contractor shall be invited to propose and discuss such other service options as it may deem appropriate to enhancing services or reducing budget requirements.

b) The Contractor shall prepare a budget for each service option, as directed by the City, clearly identifying the requested Fee for Service, which shall be deemed to be the gross expenditures for operation of the service less direct revenues. These budget options shall be reviewed by the City and the Contractor, and further approved by the Contractor's Board of Directors, in a timely manner consistent with the overall budget schedule defined by the City.

c) The Contractor's budget submission shall be forwarded to the General Manager for inclusion in the Accessible Transportation Program budget. Support documentation for all major items shall be included for review by City staff but shall not be included in formal submission to City Council.

d) When the budget recommended by the City is taken forward for consideration of the Council of the City, the Contractor shall be invited to such budget meeting and may be requested to respond to specific questions about the Contractor's proposed budget which may be asked by the Council. The City shall advise the Contractor of the meeting date and shall provide the Contractor with copies of any report material in advance.

D2. Annual Service Plan

In association with the Fee for Service for each budget option requested by the City, the Contractor shall provide an annual service plan which identifies, by month or in other such format as the City may request: dedicated service hours; service trips; subcontracted trips and costs; and details of material and other such expenses as the Contractor expects to incur during the budget year.

SCHEDULE "E"

MONTHLY PERFORMANCE REPORT OUTLINE

The Monthly Performance Report shall contain the statistics outlined below for each month of the year and the year-to-date and shall reflect budget figures, actual figures and actual figures of the previous year.

E1. **Trips Requested** - all trips are recorded one way. A to B constitutes one trip; return B to A is another trip.

E2. **Unaccommodated Trip Request** - passenger trip request cannot be accommodated for the date and time requested or for alternative time within the Service Standards, as outlined in Schedule "B" hereto.

E3. **Passenger Refused Trip** - passenger trip request can be accommodated for alternative time within the Service Standards outlined in Schedule "B" hereto, but passenger refuses offered trip.

E4. **Trip Cancellation** - passenger request cancelling a previously confirmed trip.

- Contractor
- Subcontractor
- Total

E5. **No Show** - a no show is recorded if a passenger fails to request a trip cancellation within the guidelines outlined in Schedule "B" hereto, and a vehicle arrival occurs.

- Contractor
- Subcontractor
- Total

E6. **Actual Trips Provided**

- Contractor
- Subcontractor
- Total Regular Trips
- Charters
- Total System Trips

E7. Vehicle Kilometres Operated - Dedicated Vehicles

E8. Vehicle Hours - Dedicated Vehicles

E9. Average Passenger Trip Per Hour - Dedicated Vehicles

E10. Average Kilometres Per Trip - Dedicated Vehicles

E11. Average Operating Costs Per Trip

- Contractor
- Subcontractor
- System

E12. Dedicated Vehicle Fleet / Dedicated Peak Vehicles

Subcontractor costs shall reflect only those direct fees for service paid by the Contractor to the Subcontractor(s) under the terms of its agreement with the Subcontractor(s).

Upon written notice to the Contractor, the City may request from the Contractor such additional statistical information and other information as may be required by the City for inclusion in the Monthly Report.

SCHEDULE "F"

MONTHLY SUMMARY OF SERVICE REPORTS OUTLINE

The Monthly Summary of Service Reports shall contain the detailed statistics outlined below for each month of the year, summarized for the Contractor and, if applicable, the Subcontractor; and shall contain summarized statistics for the year-to-date.

F1. Complaints:

i) Service
ii) Schedule
iii) Driver Conduct
iv) Vehicle
v) Accidents
vi) Phones
vii) Other

F2. Compliments:

a) Service
b) Driver Conduct
c) Other

SCHEDULE "G"

MONTHLY STATEMENT OF REVENUES AND EXPENDITURES

G1. The Contractor shall provide a monthly Statement of Revenues and Expenditures, summarized by:

i) Budget
ii) Actual
iii) Variance to Budget
iv) Last Year Year-to-Date
v) Budget Year-to-Date
vi) Actual Year-to-Date
vii) Variance to Budget Year-to-Date

G2. Revenues and expenditures shall be detailed by line account item description as set out in the Contractor's annual budget, and budget revenues and expenditures set out in the Monthly Statement of Revenues and Expenditures shall reflect those amounts approved by the City during the annual budget process, as detailed in Schedule "D" hereto.

VEHICLE EQUIPMENT LEASE AGREEMENT

THIS LEASE made in triplicate this 1st day of July, 2002.

BETWEEN:

THE CITY OF HAMILTON
(hereinafter referred to as the "**Lessor**")

OF THE FIRST PART

and

DISABLED AND AGED REGIONAL TRANSIT SYSTEM
(hereinafter referred to as the "**Lessee**")

OF THE SECOND PART

WHEREAS by an Agreement dated the 1st day of July, 2002, (to be called in this Lease the "Agreement") the Lessor contracted with the Lessee for the purpose of having the Lessee provide certain bus transportation services for persons with disabilities within the City;

AND WHEREAS pursuant to the Agreement, the Lessor agreed to lease to the Lessee certain bus vehicle equipment so as to enable the Lessee to provide such bus transportation services subject to a separate lease agreement between the parties;

AND WHEREAS the parties hereto, in consideration of the mutual promises made herein, agree as follows:

1. Definitions

For the purpose of this Lease,

(a) "General Manager" means the General Manager, Public Works Department for the Lessor or such person as is duly authorized to act in his or her stead;

(b) "Program" means those activities required to provide the persons with disabilities registered for service by the Lessor with bus transportation services;

(c) "Vehicle Equipment" means the bus vehicle equipment referred to in section 2 hereof and more particularly listed and described in Schedule "A" attached hereto.

2. Grant

(a) In consideration of the rents reserved and the covenants and agreement herein contained on the part of the Lessee and subject to the terms and conditions hereto the Lessor hereby leases to the Lessee certain bus vehicle equipment hereinafter referred to as the "Vehicle Equipment" and more particularly described in Schedule "A" attached hereto.

(b) The Lessee shall have no right, title or interest in the Vehicle Equipment other than, conditional upon the Lessee's compliance with the fulfilment of the terms and conditions of this Lease, the right to maintain possession and use of the Vehicle Equipment for the term of this Lease.

3. Title

(a) The Lessee acknowledges that ownership and title to the Vehicle Equipment shall remain vested in the Lessor. The Lessor may require plates or markings to be affixed to or placed on the Vehicle Equipment indicating the Lessor is the owner.

(b) The Lessor and Lessee confirm their intent that the Vehicle Equipment shall always remain and be deemed personal or movable property and not real or immovable, even though affixed to real property or placed on a permanent foundation. The Lessee shall be responsible for any damage done to any real or immovable property, building or structure by the removal of said Vehicle Equipment and shall indemnify and save harmless the Lessor from any and all claims, actions, suits, proceedings, costs, expenses, damage and liabilities whatsoever arising out of or connected with or resulting from the removal of the Vehicle Equipment. The Lessee shall obtain any landlord or mortgagee waiver as the Lessor may require.

(c) The Lessee assumes the entire risk of loss of or damage to the said Vehicle Equipment from any cause whatsoever. No loss or damage to the said Vehicle Equipment or any part thereof shall affect or impair the obligations of the Lessee hereunder which shall continue in full force and effect. It is understood and agreed that this Lease shall not prejudice the subrogation rights of the insurance carrier.

4. Term

Subject to the right of the Lessor to terminate as herein provided, the term of this Lease shall commence on the 1st day of July, 2002, and shall terminate at Midnight on the 30th day of June, 2007, with an option to renew this Lease for such further term as may mutually agreed upon, upon either party giving the other party at least NINETY (90) days written notice before expiration of the term of this Lease and upon the written consent of both parties. Any renewal of this Lease shall contain such terms and conditions as may be agreed upon by both parties.

5. Termination

(a) The parties hereto agree that the Lessor may, in its sole discretion, immediately terminate this Lease by written notice to the Lessee upon the happening of any of the following events of default:

(1) the Lessee becomes insolvent or generally unable to pay its debts as they become due;

(2) the Lessee makes an assignment in bankruptcy;

(3) the Lessor receives written notice from the Lessee of its inability to perform its responsibilities and obligations under this Lease, the Agreement or the Program;

(4) the Lessee disposes of; abandons, conceals or encumbers, or attempts or purports to dispose of; conceal or encumber all or part of the Vehicle Equipment without the prior written consent of the Lessor;

(5) any fraud or dishonesty of any director, officer, employee, agent or servant of the Lessee for which there has been no satisfactory remedial action taken by the Lessee within seven (7) days of being notified thereof in writing by the Lessor;

(6) any breach of this Lease or the Agreement between the Lessor and the Lessee, by the Lessee, as determined by the Lessor within its sole discretion, that continues without remedy after the expiry of ten (10) days from the receipt of written notice of the Lessor of the breach of this Lease or the Agreement by the Lessee;

(7) the failure of the Lessee to pay any installment of rent or any other sum due under the terms of this Lease;

(8) the subjection of any of the said Vehicle Equipment to any lien, levy, privilege, seizure or attachment;

(9) any assignment by the Lessee for the benefit of creditors;

(10) the admission of the Lessee in writing of its inability to pay its debts generally as they become due;

(11) the appointment of a receiver, trustee or similar official for the Lessee or for any of its property; or

(12) the filing by or against the Lessee of a petition in bankruptcy or a petition for the reorganization or liquidation of the Lessee under any federal provincial laws and any other act of bankruptcy by the Lessee;

whereupon, the Lessee shall immediately return the said Vehicle Equipment to the Lessor in accordance with the terms hereof and shall pay to the Lessor any and all damages, both direct and consequential, costs, expenses, liabilities, fees, and claims incurred by the Lessor in connection with such termination and any other matters hereunder, and without limiting the generality of the foregoing, the Lessee shall also be liable for the payment of liquidated damages which shall be calculated as follows:

(i) by calculating the entire amount of then unpaid rental payments for the remainder of the term of this Lease, each such rental payment to be subject to a discount equal to interest at the rate of 5% (five per cent) per annum on each rental payment calculated and compounded monthly over the period commencing on the date of notice of termination and ending on the date on which such rental payment would have become due and payable under the terms of this Lease; and

(ii) by adding to the sum calculated according to (i) any amount due and unpaid hereunder; and

(iii) by deducting from the sum according to (ii) the net proceeds of the sale, leasing or other disposition of the said Vehicle Equipment after deduction of expenses as hereinafter defined.

The said liquidated damages shall be conclusively deemed to be a genuine pre-estimate by the parties hereto of the damages suffered by the Lessor in the circumstances and not as a penalty. The said expenses shall include without limiting the generality of the foregoing all legal fees and other expenses incurred by the Lessor in attempting to enforce the provisions of this Lease and to recover damages for a breach thereof including costs and expenses associated with the sale of the said Vehicle Equipment.

(b) The Lessor shall not, by reason of termination of this Lease, or for any reason whatsoever, be liable to the Lessee for compensation, reimbursement, or damages on account of the loss of prospective income, leases, or commitments in connection with the business or goodwill of the Lessee or otherwise.

6. Remedies

(a) Upon default by the Lessee hereunder and termination of this Lease for any reason whatsoever, the Lessee shall, at its cost, return the said Vehicle Equipment to the Lessor at a place designated by the Lessor and if the Lessee fails to do so, the Lessor shall have the right to enter upon the premises where the said Vehicle Equipment may be and take possession of and remove such Vehicle Equipment at the Lessee's sole expense all without legal process. In the event, that with or without the consent of the Lessor, the Lessee remains in the possession of or uses the said Vehicle Equipment after the expiration of the term of this Lease, all of the provisions of this Lease shall apply thereto unless and until the same has been surrendered pursuant to the terms of this clause or the Lessor has relieved the Lessee from its obligations under this Lease with respect to the said Vehicle Equipment. Nothing in this clause shall have the effect of extending or renewing the term of this Lease.

(b) Upon default by the Lessee, and termination of this Lease and at any time after such default or termination, the Lessor shall have all rights and remedies provided by law and by this Lease.

(c) No delay or omission by the Lessor in exercising any right or remedy shall operate as a waiver of them or of any other right or remedy, and no single or partial exercise of a right or remedy shall preclude any other or further exercise of them or the exercise of any other right or remedy. Furthermore, the Lessor may remedy and default by the Lessee in any reasonable manner without waiving the default remedied and without waiving any other prior or subsequent default by the Lessee. All rights and remedies of the Lessor granted or recognized in this Lease are cumulative and may be exercised at any time and from time to time independently or in combination.

7. Enforcement of Warranties

The Lessor hereby appoints the Lessee as its agent for and in the Lessor's own name and behalf for the sole purpose of making and enforcing from time to time at the Lessee's own cost and expense, whatever claim or claims the Lessor may have against the manufacturer or supplier of the Vehicle Equipment, or both, under any warranties, express or implied, in respect thereto.

8. Rent

(a) The Lessee shall pay to the Lessor the sums set forth in Schedule "B" attached hereto per month of lawful money of Canada commencing on the 1st day of July, 2002, and on the first day of each month thereafter during the term of this Lease. The rent and any other amounts payable under this Lease are payable unconditionally and absolutely net to the Lessor without abatement, set-off, diminution, compensation or other deduction whatsoever even if the Vehicle Equipment does not operate as intended by the Lessee or at all or the Vehicle Equipment is or becomes unacceptable for any other reason whatsoever.

(b) The Lessee shall make all payments of rent and all other costs, expenses, fees charges and taxes due under this Lease to the Lessor's Finance Department, 71 Main Street West, Hamilton, Ontario L8P 4Y5 or as otherwise directed by the Lessor.

(c) All overdue payments of rent and other costs, expenses, charges and taxes due under this Lease shall bear interest at the rate currently established by the Finance Division of the Lessor calculated and compounded monthly whether before or after judgement, from the date it is due until paid.

9. Location and Use

The Vehicle Equipment shall be maintained and used at the Lessee's place of operation and not elsewhere without the prior written consent of the Lessor, which consent may be arbitrarily or unreasonably withheld. The Lessee shall, at its own cost and expense, cause the Vehicle Equipment to be maintained in good repair and in efficient operating order and operated prudently at all times and, in compliance with the manufacturer's recommendations and the terms and conditions of this Lease and all applicable laws and regulations, by competent and qualified personnel only and for business purposes only. No maintenance shall be performed on any item of Vehicle Equipment by other than a maintenance supplier approved by the Lessor. The Lessee agrees to readily accept any and all engineering changes made by any manufacturer of any Vehicle Equipment or by a maintenance supplier who services such Vehicle Equipment. The Lessee shall procure and furnish any and all parts, mechanisms and devices required to keep the said Vehicle Equipment in good mechanical and working order.

10. Lessee's Obligations

The Lessee covenants with the Lessor:

(a) Rent

To pay rent promptly as set out in section 8 of this Lease;

(b) Purpose of Use

To operate the Vehicle Equipment solely for the provision of bus vehicle transportation services as provided for in the Agreement. Operation of the Vehicle Equipment for any other purpose will require the prior written consent of the Lessor which consent may be arbitrarily or unreasonably withheld;

(c) Maintenance

(i) To pay all costs, expenses, fees and charges incurred in connection with the Lessee's use and operation of the Vehicle Equipment including without limiting the generality of the foregoing, all costs for fuel, oil, antifreeze, lubricant, washer fluids, batteries, filters, hoses, tires, fittings, electrical components, exhaust system, suspension, gauges, brakes and truck body parts and components. The Lessee shall maintain, repair and service or cause to be maintained, repaired and serviced, the Vehicle Equipment so as to keep it in the same operating condition and repair as it was when it first became subject to this Lease, ordinary wear and tear for the use intended by the Lessee excepted;

(ii) To maintain all Vehicle Equipment in good and safe working order and,

(A) to annually provide to the Lessor a certificate of mechanical fitness for each unit of Vehicle Equipment; and

(B) to adhere fully to the maintenance procedures as prescribed and required by the Lessor from time to time;

(iii) To keep all Vehicle Equipment clean and sanitary inside and outside, and to repair all scratches and dents promptly and to the satisfaction of the General Manager or such person as he may duly authorize for this purpose;

(iv) To provide operators and drivers, as the case may be, with proper certification, licensing and training in the operation of the Vehicle Equipment leased pursuant to this Lease and as described in Schedule A attached hereto, in order to operate the equipment safely, properly, efficiently and in a manner that eliminates any unnecessary wear and tear to the Vehicle Equipment.

(v) To provide the General Manager with a Vehicle Equipment Cost Report that details labour hours and expenditures; parts, materials, and outside service expenditures; and fuel consumption; on a monthly, annual and life-to-date basis for each vehicle. The Vehicle Equipment Cost Report shall be reconciled to the monthly and annual Statement of Revenues and Expenditures otherwise provided by the Lessee under the terms of the Agreement.

(d) **Compliance with Laws**

To comply with and conform to all applicable laws, ordinances, regulations and legislation in any way relating to the ownership, installation, testing, possession, use, operation, repair, maintenance, servicing, transportation, storage or bailment of the Vehicle Equipment at its own cost and expense throughout the term of this Lease and to the complete exoneration of the Lessor from liability. The Lessee, at its own cost and expense, shall keep the Vehicle Equipment free of levies, liens, encumbrances and other liabilities and shall pay when due all license fees, registration fees, assessments, charges and taxes (municipal, provincial and federal) which may be levied or assessed directly or indirectly against or on account of the Vehicle Equipment or any interest therein or use thereof. If the Lessee shall fail to pay such items when due, the Lessor may pay such license fees, assessments, registration fees, charges or taxes, as the case may be, in which event the cost thereof shall constitute additional rent which shall be immediately due and payable and the Lessor shall be entitled to all the rights and remedies provided in this Lease or otherwise in the event of default of payment of rent.

(e) Assigning or Subletting

To not assign or sublet this Lease in whole or in part, or to transfer, deliver possession of or permit the use of any item of Vehicle Equipment, without the prior express consent in writing of the Lessor which consent may be arbitrarily or unreasonably withheld. Any attempt by the Lessee to assign or sublet any of the terms or obligations of this Lease without such consent of the Lessor is void. Nothing herein shall prevent the Lessor from assigning, pledging, mortgaging, transferring or otherwise disposing of its interest hereunder.

(f) Accident Reports

(i) To report all motor vehicle accidents involving the Vehicle Equipment promptly to the Lessee's insurance representatives and to the Lessor. A written report shall be completed by the Lessee and a copy shall be provided to the General Manager within seven (7) calendar days of the accident.

(ii) To report all other accidents involving the Vehicle Equipment promptly to the Lessee's insurance representatives and to the General Manager. A written report shall be completed by the Lessee and a copy shall be provided to the General Manager within seven (7) calendar days of the accident.

(g) Insurance

To purchase and maintain in force, at its own expense, insurance coverage as provided under Section 4.31 of the Agreement.

(h) Indemnity

The Lessee shall indemnify the Lessor and The Hamilton Street Railway Company against and hold the aforesaid parties harmless from any and all claims, actions, suits, proceedings, costs, expenses, damages and liabilities including legal fees arising out of, connected with or resulting from the said Vehicle Equipment including, without limitation, the manufacture, selection, delivery, installation, possession, use, operation or return of the said Vehicle Equipment or otherwise on account of any personal injury, death or damage to property occasioned by the said Vehicle Equipment or the negligence of employees, servants or agents of the Lessee or on account of any infringement or alleged infringement of any patent occasioned by the operation of the said Vehicle Equipment.

(i) **Surrender of Vehicle Equipment**

To peaceably yield up and surrender the Vehicle Equipment promptly upon the termination of this Lease to the Lessor in the same condition it received the Vehicle Equipment, normal wear and tear excepted.

(j) **Replacement of Vehicle Equipment**

To report promptly to the General Manager when, in the opinion of the Lessee, any of the Vehicle Equipment is in need of replacement.

11. Inspection

The Lessor, its officers, employees and agents, shall at all times have access to the Vehicle Equipment for the purpose of inspecting it at any reasonable time. The Lessee shall not make any alterations, additions or improvements to the Vehicle Equipment without the prior written consent of the Lessor, which consent may be arbitrarily or unreasonably withheld. All such alterations, additions or improvements so made shall belong to and remain the property of the Lessor.

12. Lessor's Right to Repair

If the Lessee fails to maintain, repair and service the Vehicle Equipment as set out in paragraph 10(c) of this Lease, the Lessor reserves the right to enter upon the premises of the Lessee and effect all necessary repairs to the Vehicle Equipment in which case the Lessee shall pay and reimburse the Lessor for all costs and expenses connected therewith or incidental thereto forthwith upon receipt by the Lessee of appropriate invoices therefor from the Lessor; provided, however, that in the event of failure on the part of the Lessee to maintain, repair and service the Vehicle Equipment and in the event of non-repair by the Lessor, the failure of the Lessor to require immediate repair shall in no way affect the full right to require such repair at any time thereafter, and the Lessee shall remain liable to the Lessor for the cost of the repairs and payment for such repairs shall be made by the Lessee to the Lessor forthwith, upon receipt by the Lessee of appropriate invoices therefor from the Lessor.

13. Notice

Any notice required or contemplated by any provision of this Lease must be written and shall be deemed sufficiently given if delivered in person to either party, or if posted in a sealed envelope in the Province of Ontario by Registered Mail addressed as follows:

(a) if to the Lessor:

General Manager, Public Works Department
Transit Division: The Hamilton Street Railway Company
2200 Highway No. 6, R.R. #1
Mount Hope, ON L8N 3V9

(b) if to the Lessee:

General Manager
Disabled and Aged Regional Transit System
P.O. Box 10
Mount Hope , ON L0R 1W0

Any notice shall be deemed to have been given to and received by the party to whom it is addressed, if delivered, on the date of delivery, and if posted, on the fourth day after the posting thereof. Any party may by notice given as aforesaid, change its address from time to time.

14. Provisions Severable

If any term, covenant or condition of this Lease or its application to any person or circumstance shall to any extent be illegal, invalid or unenforceable, the remainder of this Lease, or the application of such term, covenant or condition to persons or circumstances other than those to which it is held illegal, invalid or unenforceable, shall not be affected thereby and each term, covenant or condition of this Lease shall be legal, valid and enforced to the fullest extent permitted by law.

15. Non-Cancellation of Lease

This Lease cannot be cancelled or terminated except as expressly provided herein and will remain in force for the full term of this Lease.

16. Time of the Essence

Time shall be of the essence in this Lease.

17. Proper Law

This Lease shall be interpreted and enforced in accordance with the laws of the Province of Ontario.

18. Paramountcy and Schedules

(a) The following are the Schedules attached to and incorporated in this Lease by reference and are deemed to part hereof:

Schedule A: Vehicle Equipment
Schedule B: Rent

(b) In the event of any inconsistency between the said Schedules and this Lease or in the event that the said Schedules impose greater obligations on the Lessor, this Lease shall govern. Notwithstanding the foregoing, any provisions in the said Schedules which would impose any greater obligations on the Lessee shall govern to the extent of such additional obligation.

(c) In the event the Lessor and Lessee mutually desire to add, delete or substitute additional or new vehicle equipment to this Lease, the Lessor and Lessee shall prepare and initial revised Schedules “A” and “B” which shall describe the new or deleted vehicle equipment and any increases or decreases in the amount of monthly rent payable pursuant to section 8 of this Lease. Such revised Schedules shall not become effective until executed by the Lessor and Lessee and upon such execution, shall be deemed to replace the existing Schedules "A" and "B" attached hereto.

19. Headings

The headings in this Lease have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Lease nor of any provisions hereof.

20. Formalities

It is agreed that this Lease shall be read with such changes of gender, number and corporate status as the context may require.

21. Further Assurances

The Lessee and the Lessor hereby mutually offer and agree that each of them shall and will upon reasonable request of the other make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds, things, devices, services and assurances whatsoever for the further and more perfect and absolute perfection of the terms, provisions and conditions of this Lease.

22. Entire Agreement

This Lease contains the entire and only understanding between the parties relating to the subject matter of this Lease and supersedes all prior agreements, arrangements, promises, representations or other understandings, whether written or oral, between them. This Lease shall not be amended, in any way, except in writing executed by both parties with the same formalities, including all necessary prior approvals, as this Lease.

IN WITNESS WHEREOF the parties hereto have duly executed this Lease.

THE CITY OF HAMILTON

Mayor **c/s**

City Clerk

Date

DISABLED AND AGED REGIONAL TRANSIT SYSTEM

President **c/s**

Treasurer

General Manager

Date

	Active	Vehicle #	Year	Make	Ramp Type	Ramp Width	WC/A	Serial #	Licence	Fuel Type
1		911	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30MXRHA32992	BH1119	DSL
2	*	912	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30M1RHA32993	BH1120	DSL
3	*	913	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30M8RHA32991	BH1114	DSL
4		914	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30M1RHA92949		DSL
5		915	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30MXRHA32989		DSL
6		916	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30MXRHA92948	BH1117	DSL
7		917	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30MXRHA92951	BH2474	DSL
8	*	918	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30M1RHA92952	BH1118	DSL
9		919	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30M8RHA92947	BH2476	DSL
10	*	920	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30M8RHA92950	BH2477	DSL
11	*	921	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30MXRHA43137	BH2480	DSL
12	*	922	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30M8RHB43136	BH3192	DSL
13		923	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30M4RHB43134	BH3191	DSL
14	*	924	1994	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30M7RHB43130	BH1060	DSL
15	*	925	1995	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30F5SHA11443	BH6117	DSL
16	*	926	1995	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30F9SHA80622	BH6121	DSL
17	*	927	1995	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30F0SHA80623	BH6122	DSL
18	*	928	1995	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30F5SHA80620	BH6120	DSL
19	*	929	1995	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30F7SHA80621	BH6124	DSL
20	*	930	1995	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30F7SHA80618	BH6208	DSL
21	*	931	1995	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30F3SHB04445	BH6209	DSL
22	*	932	1995	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30F7SHA99038	BH6210	DSL
23	*	933	1995	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30F5SHA99037	BH6212	DSL

24	*	934	1995	FORD BUS 16 SEATS	E	30"	6/10	1FDJE30F9SHA80619	BH6211	DSL
25	*	935	1996	FORD BUS 16 SEATS	M	32"	6/10	1FDJE30FXTHB60173	BJ2759	DSL
26	*	936	1996	FORD BUS 16 SEATS	M	32"	6/10	1FDJE30F6THB60168	BJ2760	DSL
27	*	937	1996	FORD BUS 16 SEATS	M	32"	6/10	1FDJE30F5THB60176	BJ2761	DSL
28	*	938	1997	FORD BUS 16 SEATS	M	32"	6/10	1FDJE30F2VHB90822	BK6753	DSL
29	*	939	1997	FORD BUS 16 SEATS	M	32"	6/10	1FDJE30F4VHB90823	BJ6114	DSL
30	*	940	1997	FORD BUS 16 SEATS	M	32"	6/10	1FDJE30F2VHB90819	BJ6115	DSL
31	*	941	1999	FORD BUS 16 SEATS	M	32"	6/10	1FDXE47F2XHA69474	BJ8791	DSL
32	*	942	1999	FORD BUS 16 SEATS	M	32"	6/10	1FDXE47F9XHA55202	BJ8785	DSL
33	*	943	1999	FORD BUS 16 SEATS	M	32"	6/10	1FDXE47F9XHA79242	BF6835	DSL
34	*	944	1999	FORD BUS 16 SEATS	M	32"	6/10	1FDXE47F6XHA69476	BJ8796	DSL
35	*	945	1999	FORD BUS 16 SEATS	M	32"	6/10	1FDXE47F4XHA69475	BK2040	DSL
36	*	946	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45F4X1HB4778	BK7047	DSL
37	*	947	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45F91HB14775	BK7048	DSL
38	*	948	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45F71HB14774	BK7049	DSL
39	*	949	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45F21HB14780	BK7050	DSL
40	*	950	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45F8IHB14783	BK8073	DSL
41	*	951	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45F61HB14779	BK8072	DSL
42	*	952	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45F81HB39845	BL1595	DSL
43	*	953	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45F01HB74041	BL1597	DSL
44	*	954	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45FX1HB74029	BL1596	DSL
45	*	955	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45F81HB74028	BK8734	DSL
46	*	956	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45F91HB74037	BK8735	DSL
47	*	957	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45F01HB74038	BK8736	DSL
48	*	958	2001	FORD BUS 13 SEATS	M	32"	5/8	1FDXE45F21HB74039	BK8739	DSL
49	*	959	2001	FORD BUS 13	M	32"	5/8	1FDXE45F91	BH1	DSL

				SEATS				HB74040	116	
50	*	960	2001	FORD BUS 13	M	32"	5/8	1FDXE45F71	BH1	DSL
				SEATS				HB74036	115	
51	*	961	2002	FORD BUS 13	M	32"	5/8	1FDXE45F82	BK8	DSL
				SEATS				HA53064	740	
52	*	962	2002	FORD BUS 13	M	32"	5/8	1FDXE45FX2	BK8	DSL
				SEATS				HA53065	737	
53	*	963	2002	FORD BUS 13	M	32"	5/8	1FDXE45F52	BK8	DSL
				SEATS				HA67875	738	
54	*	990	2000	DODGE 8	H	32"	2/6	2B6KB31YOY	BJ9	UNL
				SEATS				K126849	852	
55	*	991	2000	DODGE 8	H	32"	2/6	2B6KB31Y1Y	BJ9	UNL
				SEATS				K126942	856	
56	*	992	2000	DODGE 8	H	32"	2/6	2B6KB31Y3Y	BK3	UNL
				SEATS				K126943	467	
57	*	993	2000	DODGE 8	H	32"	2/6	2B6KB31Y5Y	BK3	UNL
				SEATS				K126944	468	
58	*	994	2000	DODGE 8	H	32"	2/6	2B6KB31Y7Y	BK3	UNL
				SEATS				K126945	469	
59	*	995	2000	DODGE 8	H	32"	2/6	2B6KB31Y9Y	BK3	UNL
				SEATS				K126946	471	
60	*	996	2000	DODGE 8	H	32"	2/6	2B6KB31YOY	BK3	UNL
				SEATS				K126947	472	
61	*	997	2000	DODGE 8	H	32"	2/6	2B6KB31Y2Y	BK3	UNL
				SEATS				K126948	473	
62	*	998	2000	DODGE 8	H	32"	2/6	2B6KB31Y4Y	BK3	UNL
				SEATS				K126949	476	
63	*	999	2000	DODGE 8	H	32"	2/6	2B6KB31YOY	BK3	UNL
				SEATS				K126950	477	

CITY OF HAMILTON / DARTS
ANNUAL VEHICLE LEASE PAYMENT SCHEDULE
AS AT JULY 1, 2002

START OF LEASE	# OF VEHICLE	2002	2003	2004	2005	2006	2007
1994	14	123,236.09					
1995	10	94,556.87	94,556.87				
1996	3	32,412.64	32,412.64	32,412.64			
1997	3	32,412.64	32,412.64	32,412.64	32,412.64	-	-
SUB TOTAL		282,618.24	159,382.15	64,825.28	32,412.64	-	-
GST		19,783.28	11,156.75	4,537.77	2,268.88	-	-
PST		22,609.46	12,750.57	5,186.02	2,593.01	-	-
TOTAL		**325,010.98**	**183,289.47**	**74,549.07**	**37,274.54**	-	-

APPENDIX II

Approved by Council – August 14, 2002

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

Mission Statement:

The Advisory Committee for Persons with Disabilities is committed to raising community awareness of disabilities and identifying issues that will lead to the elimination of barriers for persons with disabilities.

Mandate:

The Advisory Committee for Persons with Disabilities recommends policies, procedures and guidelines that address the needs and concerns of persons with disabilities.

Terms of Reference:

1. To advise Council annually abut the preparation, implementation, and effectiveness of its accessibility plan required pursuant to *the Ontarians with Disabilities Act.*

2. To ensure that the right of access for persons with disabilities to programs and services in City facilities is sustained, maintained, and/or improved.

3. To provide a forum where consumers and service providers can express their concerns, share information and recommend improvements to the existing level of service for persons with disabilities.

4. To liase with community agencies (mainstream and specialized) and the wider community to encourage a more co-ordinated and responsive community service network.

5. To review and comment to Council and other levels of government on pertinent reports, proposed legislation and studies which affect all persons with disabilities, where appropriate.

6. To educate and increase awareness within the community on issues which effect people with disabilities.

7. To encourage and promote interrelationships amongst City departments to ensure a co-ordinated effort to eliminate barriers.

8. When necessary, to address and study specific issues as they relate to:

   a) Barrier Free Accessibility
   b) Transportation Services
   c) Social and Employment Services
   d) Housing and other Accommodations
   e) Recreation and Leisure Activities
   f) Medical and Rehabilitative Services

g) Community Support Services
h) Education

And to set up working groups and task forces, as required.

9. To regularly review the progress and measure the success of the committee and its activities.

23-April-2002

AFFECTS WARDS 1, 3, 4, 7, 13 & 15

CITY OF HAMILTON

5.2

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	March 28, 2003 1000-11	**Prepared by:**	Ron Marini, Ext. 4178 Peter Minkiewicz Ext. 2632

SUBJECT: Commercial Market Analysis and Action Plans for Downtown Dundas BIA, Downtown Waterdown BIA, Ottawa Street BIA, Concession Street BIA, and Westdale Village BIA (PD03087) - (Wards 1, 3, 4, 7, 13 & 15)

RECOMMENDATION:

That the information contained within Report PD03087 respecting the preparation of Commercial Market Analysis and Action Plans for five (5) Business Improvement Areas be received.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

In early 2002, Commercial Market Analysis and Action Plans were undertaken by Urban Marketing Collaborative for five (5) Business Improvement Areas within the City of Hamilton. Report PD03087 provides an overview of that process, and a presentation of the key findings of each of those studies in the form of Executive Summaries.

BACKGROUND:

The Hamilton Association of Business Improvement Areas (H.A.B.I.A) assisted in prioritizing the strategic direction of each BIA and agreed that the five (5) Business Improvement Areas referenced within Report PD03087 would have Commercial Market

Analysis and Action Plans prepared. A budget would be established and studies for the remaining BIAs would be undertaken in subsequent years.

The consulting firm of Urban Marketing Collaborative a Division of J.C. Williams Group was selected by the City to undertake the preparation of the Analysis and the Action Plans. H.A.B.I.A was involved in the preparation of the terms of reference for the undertaking and helped to focus and prioritize issues addressed within the analysis and action plans.

The consultant organized several stakeholder meetings with representatives from each of the five (5) BIAs and assembled specific issues for incorporation within the action plans. Extensive consultation and feedback took place throughout the process as the consultant endeavoured to provide targeted analysis for each of the five (5) BIAs.

Each of the five (5) BIAs has reviewed the reports and has provided comments relative to the material presented within the Analysis and Action Plans. With the exception of Westdale Village, the material provided was acceptable and served the interests of the BIA. The Westdale Village BIA was critical of the method employed by the consultant and have indicated that they do not accept all of the analyses presented. Staff has concluded that the analysis provided by the consultant is appropriate and that it is representative of acceptable research methods, and adequately summarizes the information sought by the scope of the agreed upon terms of reference for the study.

Appendix “A” to Report PD03087 is the Executive Summaries for each of the five (5) Commercial Market Analyses and Action Plans prepared for each of the five (5) BIAs.

ANALYSIS OF ALTERNATIVES

Report PD03087 is for information purposes.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial, staffing or legal implications as a result of the recommendations contained within this report.

POLICIES AFFECTING PROPOSAL:

The report is prepared for information purposes.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Comments from the Public Works Department and Planning and Development Department have been incorporated within the Analysis prepared by the consultants.

CITY STRATEGIC COMMITMENT:

BIAs are an integral part of their local communities and the economic well being of the City as a whole. The City has committed to supporting the efforts of the BIAs through staff and financial support. The initiatives of the BIA help create an attractive business district that also affects the local residential community. The creation of safer, cleaner and more aesthetically attractive commercial districts positively affect the quality of life of the residents and sustains and grows the tax base.

PEM
Attach. (1)

Executive Summary - Dundas

The study identified strategic directions for action in the immediate to long term to improve Downtown Dundas BIA and not only increase its attraction as a neighbourhood commercial attraction but to increase its appeal on a regional level.

Urban Marketing Collaborative's approach throughout this project with the businesses and services in Downtown Dundas has relied upon community involvement and interaction to foster the proper relationship and understanding of the complexities facing the area. Each step highlighted particular strengths and weaknesses for Downtown Dundas that must be taken into consideration when initiating a revitalization plan.

Key Findings

Downtown Dundas has a very prosperous foundation. Downtown Dundas is in a very good state of affairs due to the hard work of the individual retailers and the BIA. There is a significantly large, loyal customer base that continues to grow. There are new, younger families moving into the area providing an increasing stream of new customers. Meanwhile, the existing customers remain very loyal.

Prospects for Downtown Dundas are very good. Downtown Dundas is a sought after shopping destination for businesses. At the time of the commercial audit the vacancy was very low. Currently, vacancy on the street is almost non-existent. Many of the businesses are smaller independent operators. However, while businesses are doing well, there will be continual pressure from regional and national chains to want to locate in the area.

Downtown Dundas has the correct ingredients for what it takes to prosper. Businesses, special events, beautification, and marketing are working very well. Downtown Dundas needs to turn up its efforts another level to become a more nationally recognized shopping destination.

Downtown Dundas Recommendations

Strategy: Almost all downtowns, and especially memorable ones, are composed of retail areas that serve the local and regional consumers by offering them unique ranges of restaurants, entertainment, and lifestyle-oriented stores and services. It is this diversity of choice, based on experience, which makes business districts and downtowns special and different from suburban offerings.

Downtown Dundas' vision is based on creating a shopping environment based on a healthy, outdoor lifestyle.

The retail development program should be managed according to a business-like plan and towards strategic goals. Specific goals relating to occupancy rates, growth, types of retailers, etc. (as defined in this report and the market analysis report) should be set at this step.

All revitalization work should be oriented towards fulfilling the business district's vision. Publications, volunteer and staff work, ideas, development, etc. that do not work towards building this brand image of the Downtown Dundas BIA, will be counterproductive.

Action Plan Items

Immediate

Organization

1. Set up an economic development and physical improvement committees to complement the marketing committee.
2. Continually search out partnership opportunities that benefit the merchants and property owners in Downtown Dundas. This includes private, non-profit, and government.
3. Communicate regularly with members. Obtain contact listings, phone numbers, and emails for all businesses and property owners and keep them updated on changes affecting them, Downtown Dundas, and the City of Hamilton. Not all property owners and merchants will want to be part of a committee or attend meetings but the BIA should keep these people informed by sending out minutes or notes from meetings, and by personal contact from members of the committee. Group and individual meetings should be conducted throughout the year with retailing peers to discuss issues of importance.
4. Learning should become a part of every meeting, whereby merchants and property owners are encouraged to share information about the state of retail changes in other communities, things they have seen on their travels, etc. This should include 15 minutes at the start of every meeting. Visit other similar communities to see how they are doing things and find ways to improve.

Economic Development

5. Hold regular meetings (two to three times a year) with stakeholders on the status of the commercial environment and upcoming changes (e.g. legislation, bylaws, new commercial developments, other changes) with learning as a key component.
6. Use the existing database as a starting point to profile each business. Develop a one-page and multi-page retail recruitment package on why a business should locate in Downtown Dundas. When a property becomes vacant, Downtown Dundas will be able to react immediately with a list of prospective tenants to call upon to market the property successfully. Focus on increasing eating and drinking from 14% of the square footage to 20% in the next two to three years. This is equivalent to 9,000 square feet of space.
7. Commit to a program of increasing the learning of merchants and property owners through education, seminars, sharing demographic information, and increased networking.
8. Review zoning bylaw especially with respect to parking requirements for eating and drinking establishments. To ensure that businesses can utilize nearby municipal parking facilities in their parking requirements.

Physical Improvements

9. Develop a committee to work on developing guidelines for design and physical improvements to the area including parking, bicycle racks, and social gathering locations.
10. Promote the façade improvement program and other benefits from the City of Hamilton. As new financial incentives are made available from the Provincial and Federal governments such as historic tax credits, these need to be communicated to property owners and potential property owners.

Marketing

11. Redesign Website with key markets: shoppers, investors, and members as the focus highlighting everything they need to know about Downtown Dundas.

Mid-Term to Long Term

Organization

1. Develop a "who-does-what" sheet in conjunction with the City of Hamilton (see example from the City of Winnipeg). This should be available to all merchants and property owners advising them who is responsible for

different services and who to call for assistances (e.g. graffiti hotline, road repairs, flower plantings, etc.)

2. The City of Hamilton needs to reinforce its commitment to HABIA and ensure that the program has sufficient resources that are useful for each of the eleven BIAs.

Economic Development

3. Search out other complementary uses, such as redeveloping properties for higher commercial usage. This includes the Post Office and Grafton Square. Look into hotel, museum, theatre, entertainment, and cultural development opportunities for Downtown Dundas.

Physical Improvements

4. The City of Hamilton should establish a regional signage program highlighting major neighbourhoods, attractions, and points of interest in a colour-coded system (e.g. Pittsburgh).
5. Develop an agreement with the City of Hamilton outlining areas of financial responsibility concerning capital improvements, maintenance, and repairs.

Marketing

6. Start a public relations campaign.
7. Market Downtown Dundas based on the outlined vision.

Ottawa Executive Summary

The study identified strategic directions for action in the immediate to long term to improve Ottawa Street BIA and increase its attraction as a neighbourhood and regional commercial attraction.

Urban Marketing Collaborative's approach throughout this project with the businesses and services along Ottawa Street has relied upon community involvement and interaction to foster the proper relationship and understanding of the complexities facing the area. Each step highlighted particular strengths and weaknesses for Ottawa Street that must be taken into consideration when initiating a revitalization plan.

Key Findings

Ottawa Street has an identifiable niche. Ottawa Street has a reputation throughout the region as a source for fabric, home decoration, and home improvement. It has a loyal customer base as well as a consistent flow of new shoppers creating an ever-expanding trade area. The large number of fabric and home-related stores concentrated on Ottawa Street facilitate comparison-shopping. Many of the retailers recognize the power of creating a critical mass of similar retailers as manifested in the saying "you should keep your friends close but, you should surround yourself with your enemies." Competition brings consumers. The downside of having one specialty niche is that it is more prone to market fluctuations. When things are good, they are very good; but when things are bad, they can be very bad.

It is important for other members to support this vision as they realize that a strong niche will eventually affect their businesses overall in a positive manner.

Prospects for Ottawa Street are good. Ottawa Street's strong customer base can be expected to grow as vacancies fill and marketing efforts increase the drawing power of the street. Overall, the main selling features of the street include its location near the QEW, large parking lots, large building footprints, and lower rents/building costs. The result is that business costs are lower than elsewhere in a visible, accessible, and convenient location. Ottawa Street is a tourist destination attracting visitors from Southern Ontario, New York, and Pennsylvania.

Ottawa Street has the fundamentals in place to succeed. Many stakeholders recognize that Ottawa Street presents a great opportunity for entrepreneurs. The BIA has done a very good job of communicating and building trust and confidence among the merchants and property owners, which is essential for moving forward with larger goals and objectives. Ottawa Street BIA has proven itself to the City of Hamilton that it is well on its way to revitalizing the area and should be rewarded in terms of continued commitment to enhancing the physical and streetscaping aspects of the street (e.g. lighting, sidewalks, overhead wires, assistance with signage, community park, etc.)

Ottawa Street needs to improve its image. Many businesses need building repairs as well as improved street maintenance (sidewalks, overhead wiring, tree planting, public square, etc.) However, Ottawa Street has demonstrated its commitment to improving businesses by actively participating in the City of Hamilton’s façade improvement program. In an era of required public/private partnerships, Ottawa Street BIA members have demonstrated that they are willing financial partners with the City and a number of their programs.

Ottawa Street Recommendations

Strategy: Ottawa Street should build dominance in regional classification related to value-driven retailers based on fabric, home decorating, and home improvement, as well as related products and services to compete with regional malls and power centres. The strategy will be merchandise driven that will be unique in an urban, main street (lifestyle) context.

Action Plan Items

Immediate

Organization

1. Develop committees to address specific issues related to marketing, economic development, and physical design improvements.

Economic Development

2. Commit to a program of increasing the learning for the merchants and property owners through education, seminars, sharing demographic information, and increased networking.
3. Work with the City of Hamilton’s Planning Department to analyze restrictive zoning bylaws, especially related to eating and drinking. Work for a better definition what will allow eating establishments (no adult entertainment) easier access to open a business on the street.

Physical Improvements

4. Develop a committee to address physical improvements particularly clean and safe programs as well as other programs for enjoyable shopping (e.g.

washroom identification, park, craft market, do-it-yourself courses, parking, signage, etc.) Each issue should be tackled within the next two years.

5. Promote the façade improvement program and other benefits from the City of Hamilton. As new financial incentives are made available from the Provincial and Federal governments such as historic tax credits, these need to be communicated to property owners and potential property owners.

Marketing

6. Collect information to include in directories and marketing materials.

Mid Term

Organization

1. Set up a sample of businesses to report sales changes on a monthly basis.
2. Increase the internal marketing to members to encourage participation.

Marketing

3. Start an umbrella communications program and public relations campaign.
4. Select messages and materials for targeted markets advertising fabric, home improvement, and value.
5. Coordinate marketing materials with overall vision and image of the area.

Mid to Long-term

Organization

1. A "who-does-what" sheet should be developed in conjunction with the City of Hamilton outlining who retailers and property owners should contact for different issues such as graffiti, snow removal, broken windows, break-ins, broken flower pots, etc.
2. The City of Hamilton needs to reinforce its commitment to HABIA and ensure that the program has sufficient resources that are useful for each of the eleven BIA's.

Economic Development

3. Hold regular meetings with stakeholders on the status of the commercial environment and upcoming changes (e.g. legislation, bylaws, new commercial developments, other changes) with learning as a key component.

4. Use existing database as a starting point to profile each business. Develop a one-page and multi-page retail recruitment package on why a business should locate on Ottawa Street. Focus on increasing eating and drinking from 9% of the square footage to 12% in the next three years. This is

equivalent to 6,500 square feet of space. This will help solve the lack of washroom space on Ottawa Street.

Physical Improvements

5. The City of Hamilton should establish a regional signage program highlighting major neighbourhoods, attractions, and points of interest in a colour-coded system (e.g. Pittsburgh).
6. Develop an agreement with the City of Hamilton outlining areas of financial responsibility concerning capital improvements, maintenance, and repairs.
7. The City should review its property tax assessments for the business district to ensure they are fair and reflective of property owners' ability to pay.

Waterdown Executive Summary

The study identified strategic directions for action in the immediate to long term to improve Downtown Waterdown BIA and not only increase its attraction as a neighbourhood commercial attraction but to increase its appeal on a regional level.

Urban Marketing Collaborative's approach throughout this project with the businesses and services in Downtown Waterdown has relied upon community involvement and interaction to foster the proper relationship and understanding of the complexities facing the area. Each step highlighted particular strengths and weaknesses for Downtown Waterdown that must be taken into consideration when initiating a revitalization plan.

Key Findings

Downtown Waterdown has a healthy base. Downtown Waterdown is in a fairly good state of health. There is a growing, strong, and relatively loyal customer base situated in town and in the Flamborough region. Downtown Waterdown is fortunate that there are none of the signs of decay, which plague many downtown areas. Rather, a number of businesses present themselves as doing well, there are relatively few vacancies, there is increased higher income residential growth, and the general level of upkeep and maintenance is good. Downtown Waterdown attracts a number of chain retailers, especially along Hamilton Street, as rents are prohibitively high for smaller, less experienced independent stores.

This provides a good base from which to improve the future without the need to overcome negative images or economic weaknesses.

Prospects for Downtown Waterdown are very good. Downtown Waterdown's strong customer base of local residents, including Flamborough, Dundas, and Burlington residents all tend to have higher than average household incomes. The consumer base is expected to grow as servicing opens up new housing opportunities in the Waterdown area. In the next five years, Waterdown population is expected to increase by 2.6% per year and by 1% per year in the Primary Trade Area. The Downtown is well positioned to benefit from this growth as the centre of this growing area.

Downtown Waterdown has what it takes to succeed. Downtown Waterdown contains a number of elements, which are critical to its future success. These elements include:

- Dundas Street still maintains its historical charm;
- Good availability of free parking;
- A diverse offering of convenient goods and services including some unique specialty stores;
- The presence of innovative merchants;
- Public services such as the post office, library, theatre; and
- Proximity to the escarpment and the Royal Botanical Gardens.

The historic Downtown and plazas along Hamilton are separate districts. Most shoppers recognize that there is a difference between the two districts, but they use both as two parts of the same whole commercial entity serving their shopping needs. The growth of the plazas may have affected some of the Dundas Street businesses, but overall the net effect is positive in terms of Downtown Waterdown's ability to increase shopper traffic. The number of personal services and professional businesses in the Dundas Street district limits the ability to create a critical mass of lifestyle-oriented merchants.

Shoppers are attracted to Waterdown because of the combined offering and the attraction of both areas. The plazas and Dundas Street merchants need for each other to remain healthy in order to continue to attract residential growth.

Downtown Waterdown Recommendations

Strategy: The strategy for Downtown Waterdown will be to continue to improve and enhance the convenience goods and services offerings, improve the transportation issues surrounding Clappison's Corners and the bypass making it easier to find, and to include a full assortment of eating and drinking, home, leisure, and cultural-related stores. The Dundas Street area (including Mill Street, Main Street) will be more lifestyle and culture oriented and Hamilton Street will be geared to convenience goods and services.

Action Plan Items

Immediate

Organization

1. Increase the budget by $10,000. This will provide additional funds for the BIA and cause property owners and merchants to stand up and take notice and increase participation. This should be allocated to beautification and advertising.
2. Update database of merchants and increase (regular and consistent) internal communication (newsletters, personal visits, Website) with BIA merchants and property owners regarding successes, future plans, and where assistance is required.

Physical Improvement

3. Resolve traffic issues to reduce traffic congestion along Dundas Street.
4. Embark on the street beautification program increasing the permanent shrubbery and trees on a yearly basis.

Marketing

5. Start collecting information to include in directories and promotional materials.
6. Source out partnership opportunities for marketing funds (for special events).

Mid-Term

Organization

1. Search out partnerships with other organizations to help leverage limited resources.

Economic Development

2. Hold regular meetings with stakeholders on the status of the commercial environment and upcoming changes (e.g. legislation, bylaws, new commercial developments, other changes).
3. For undeveloped highly visible properties such as the property as Dundas Street and Main Street South, the BIA should work with the owner to secure a compatible development.

Physical Improvement

4. Develop a Downtown Waterdown signage program for the entire area including gateway, street signage, merchant directories, and parking signs.
5. Ensure that banners are bright and colourful.

6. Introduce parking fines for vehicles that are parked more than three hours on Dundas Street.
7. Reinforce strict code enforcement for large signs along Dundas Street.
8. Extend streetscaping into side streets and up Hamilton Street on a gradual basis, including special pavement markers and lighting standards.

Marketing

9. Start umbrella public relations campaign emphasizing the good news about Downtown Waterdown that sells the benefits and strengths.
10. Ensure that the marketing materials are consistent with different markets. The main thrust of the local marketing should be to show locally.
11. Allow Downtown Waterdown to become a stage for special events, whereby there is less logistical work to do by the BIA, and many merchants who benefit.

Mid-Term to Long-Term

Organization

1. Develop a :who-does-what" sheet in conjunction with the City of Hamilton. This should be available to all merchants and property owners telling them who is responsible for different services and who to call for assistance (e.g. graffiti hotline, road repair, break-ins, etc.)
2. The City of Hamilton needs to reinforce its commitment to HABIA and ensure that the program has sufficient resources that are useful for each of the eleven BIAs.

Economic Development

3. Use existing database as a starting point to profile each business.
4. Develop a one-page and multi-page retail recruitment package on why a business should locate in Downtown Waterdown. When a property becomes vacant, Downtown Waterdown will be able to react immediately with a list of prospective tenants to call upon to market the property successfully.

Physical Improvement

5. Ensure that new buildings and façade improvements are consistent with the design intentions of the BIA. This is consistent with Waterdown's Official Plan.
6. Develop an agreement with the City of Hamilton outlining areas of financial responsibility concerning capital improvements, maintenance, and repairs.

Concession Street Executive Summary

The study identified strategic directions for action in the immediate to long term to improve Concession Street BIA and increase its attraction as a neighbourhood and regional commercial attraction.

Urban Marketing Collaborative's approach throughout this project with the businesses and services along Concession Street has relied upon community involvement and interaction to foster the proper relationship and understanding of the complexities facing the area. Each step highlighted particular strengths and weaknesses for Concession Street that must be taken into consideration when initiating a revitalization plan.

Key Findings

Concession Street has a growing identifiable niche. Although Concession Street is affected by population loss and an aging population, there are changes occurring. New younger families are moving into the area looking for a first home and it is a location for the growing ethnic market. Concession Street needs to position itself as the Mountain's Main Street offering unique products and services that are not available elsewhere. The typical consumer is very price conscious. The growing niche will include a combination of medical services, specialty food, ethnic products and services, dual channel retailers, and value-oriented retailers.

Concession Street has a number of marketable characteristics. Concession Street's location on the Mountain Brow affords spectacular lookouts for the City of Hamilton and the region. In addition, Henderson Hospital and the Cancer Centre attract a number of professional workers and visitors to the area. Concession Street should work towards improving the physical, economic, and marketing linkages with these places.

Concession Street is affected by surrounding commercial developments. Continued commercial developments on the Mountain including the redeveloped Lime Ridge Mall and many small neighbourhood plazas, make retailing on Concession Street more difficult.

Concession Street Recommendations

Strategy: Concession Street BIA, the City of Hamilton, and the local businesses and community partners must form the nucleus of the planning body required to move this plan forward. They will be responsible for implementing the recommendations of the action plan. This strategy for Concession Street centres on first increasing customer traffic in the business district and then recruiting new businesses that can benefit from this expanded traffic.

Action Plan Items

Immediate

Organization

1. Set up committees based on marketing, physical improvements, and economic development from merchants, property owners, individuals, community partners, etc.
2. Continue to communicate openly with merchants and property owners regarding successes, future plans, and where assistance is required (this could be in the form of newsletters, BIA meetings, informal peer meetings, and potentially a Website). Find out more information on merchants and property owners to update database (e.g. emails, phone numbers, fax numbers, etc.)

Economic Development

3. Commit to a program of increasing the learning for merchants and property owners through education, seminars, sharing demographic information, and increased networking.

Physical Improvement

4. Develop a committee to work with the City of Hamilton on developing guidelines for design and physical improvements to the area, including parking and safety.
5. Promote the façade improvement program and other benefits from the City of Hamilton. As new financial incentives are made available from the Provincial and Federal governments, such as historic tax credits, these need to be communicated to property owners and potential property owners.

Marketing

6. Collect information to include in directories and marketing materials.
7. Source out partnership opportunities.
8. Start umbrella communications program and public relations campaign.

Mid-Term

Organization

1. Increase partnership opportunities with Henderson Hospital and the Cancer Centre. Have members consistently sit on each other's committees.

Economic Development

2. Hold regular meetings with stakeholders (at least two times a year) on the status of the commercial environment and upcoming changes (e.g. legislation, bylaws, new commercial developments, other changes) with learning as a key component.
3. Institutionalize the welcoming committee for new businesses and develop a "How to start a business" brochure.

Physical Improvement

4. The City of Hamilton should establish a regional signage program, highlighting major neighbourhoods, attractions, and points of interest in a colour-coded system (e.g. Pittsburgh).
5. Develop an agreement with the City of Hamilton outlining areas of financial responsibility concerning capital improvements, maintenance, and repairs.
6. Capital improvements to the Mountain Brow to make it more visitor-friendly, including signage linking the area with Concession Street.

Marketing

7. Ensure the marketing materials match the physical design.
8. Select messages and materials for targeted markets advertising specialty food and value.

Mid-Term to Long-Term

Organization

1. Develop a "who-does-what" sheet in conjunction with the City of Hamilton (see example from Winnipeg). This should be available to all merchants and property owners telling them who is responsible for different services and who to call for assistance (e.g. graffiti hotline, road repair, break-ins, etc.)

2. The City of Hamilton needs to reinforce its commitment to HABIA and ensure that the program has sufficient resources that are useful for each of the eleven BIA's.

Economic Development

3. Use existing database as a starting point to profile each business. Develop a one-page and multi-page retail recruitment package on why a business should locate on Concession Street. Focus on increasing eating and drinking from 11% of the square footage to 13% (5,000 square feet of space) and increasing specialty food/convenience from 11% to 13% (5,000 square feet of space) in the next two to three years. In the long term, eating and drinking should grow to 20%.
4. Recruit two cafés and restaurants to Concession Street over the next two years and increase the number of specialty food retailers. Expand the recruitment efforts to other retailers as appropriate.

Westdale Village Executive Summary

The study identified strategic directions for action in the immediate to long term to improve Westdale Village BIA and not only increase its attraction as a neighbourhood commercial attraction but to increase its appeal on a regional level.

Urban Marketing Collaborative's approach throughout this project with the businesses and services in Westdale Village has relied upon community involvement and interaction to foster the proper relationship and understanding of the complexities facing the area. Each step highlighted particular strengths and weaknesses for Westdale Village that must be taken into consideration when initiating a revitalization plan.

Key Findings

From the research conducted as part of this study, several of the findings are fundamental to the understanding of Westdale Village, its customer base, and its environment.

Westdale Village has a healthy base. Westdale Village is currently in a reasonably good state of health. There is a strong and relatively loyal customer base. Although the business district is facing more urban related issues such as vandalism and graffiti, there are few signs of decay which plague many downtowns and commercial business districts. Businesses generally present themselves as doing well and there are few vacancies. The general level of upkeep is good.

This provides a good base from which to improve for the future without the need to overcome negative images or economic weaknesses.

Prospects for Westdale Village are good. Westdale Village's strong customer base of local residents, university students, university and hospital staff, and higher income households in the region means that the area is not solely reliant upon one customer segment. In addition, the spending prospects for all these groups are very good for the future. Westdale Village appeals to households with high disposable incomes that also tend to be older. This "baby boomer" demographic group represents a significant percentage of the population with money to spend on restaurants and leisure-type products/services (e.g. art, antiques, travel, wine, books, etc.)

Westdale Village has what it takes to succeed. Westdale Village has many elements which will be important for its future success. It currently provides one of the main access points to McMaster University. The area maintains a large portion of its historical charm, there is visible parking, a diverse offering of goods, services, and eating and drinking operations, the presence of innovative merchants, public services such as a library, and proximity to nearby parks and green spaces. Alternatively, the BIA is very small and will be constantly faced with issues related to creating a critical mass of stores to keep people interested in visiting.

Westdale Village lacks a long-term vision. Westdale Village is too concerned with immediate obstacles to plan for long-term success. However, there are opportunities to develop a strong and distinct positive image through physical design and marketing based on its history as a planned community, its proximity to McMaster University, and its appeal to high-income shoppers.

Westdale Village Recommendations

Strategy: Due to the relatively small nature of Westdale Village, each business operation has to work towards creating the vision of cultured and sophisticated shopping environment. Westdale Village needs to be a highly focused niche player, including at least one of each basic neighbourhood service and an anchor of destination commodities/restaurants.

Action Plan Items

Immediate Term

Organization

1. Increase the budget by $10,000. This will provide additional funds for the BIA and cause property owners and merchants to stand up and take notice that big things are about to change. This money should be spent on increasing the salary of a staff person from $10,000 to $15,000 and to increase the expenditure on plant and area maintenance.
2. Hire a part-time staff person to coordinate the activities of the BIA. This person will ensure that the BIA stays on track for its long-term vision and allow other members to concentrate on short-term issues as they arise. Time at Board meetings should focus on the long-term vision and not be bogged down with the immediate crisis of the day.

3. The BIA should consistently sit and participate on committees that affect them (e.g. McMaster University, HABIA, etc.)
4. Increase the communication effort to BIA merchants and property owners regarding successes, future plans, and where assistance is required (newsletter, Website, BIA meetings). Learning should become a part of all meetings whereby merchants and property owners are encouraged to share information.

Economic Development

5. Hold regular meetings with stakeholders on the status of the commercial environment and upcoming changes (e.g. legislation, bylaws, new commercial developments, other changes) with learning as a key component.
6. Change zoning which places an extra parking requirement for eating and drinking operations and assess parking requirements for Westdale Village in general and make necessary changes.

Physical Improvement

7. Develop a committee to work with the City of Hamilton on developing guidelines for design and physical improvements to the area, including parking.
8. Promote the façade improvement program and other benefits from the City of Hamilton. As new financial incentives are made available from the Provincial and Federal governments such as historic tax credits, these need to be communicated to property owners and potential property owners.
9. Change zoning in Westdale Village with respect to excessive parking requirements for eating and drinking operations.
10. Increase amount spent on beautification. This can be spent on additional plantings, improved maintenance, graffiti removal services, etc. The BIA can partner with other BIAs to share the cost of cleaning equipment, such as pressure washers.

Mid-Term

Organization

1. Search out partnerships with other organizations to help leverage limited resources.
2. Develop a "who-does-what" sheet in conjunction with the City of Hamilton (see example from Winnipeg). This should be available to all merchants and property owners telling them who are responsible for different services and who to call for assistance (e.g. graffiti hotline, road repair, break-ins, etc.)

3. The City of Hamilton needs to reinforce its commitment to HABIA and ensure that the program has sufficient resources that are useful for each of the eleven BIAs.

Economic Development

4. Use existing database as a starting point to profile each business.
5. Develop a one-page and a multi-page retail recruitment package on why a business should locate in Westdale Village. When a property becomes vacant, Westdale Village will be able to react immediately with a list of prospective tenants to call upon to market the property successfully. Focus on increasing eating and drinking from 15% of the square footage to 20% (5,500 square feet), and increasing retail merchandise from 23% to 30% (7,800 square feet) in the next two to three years.
6. Commit to a program of increasing the learning of merchants and property owners through education, seminars, sharing demographic information, and increased networking.
7. In the mid-term, determine the appropriateness of expanding the BIA to Paradise Road.

Physical Improvement

8. The City of Hamilton should establish a regional signage program highlighting major neighbourhoods, attractions, and points of interest in a colour-coded system (e.g. Pittsburgh).

Marketing

9. Increased marketing should follow physical improvement and economic development programs. Once these programs are running well, increased marketing should follow.
10. Collect information to include in directories and marketing materials.
11. Source out partnership opportunities.
12. Start umbrella public relations campaign emphasizing the good news about Westdale Village selling the benefits and strengths.
13. Ensure the marketing materials match the physical design plans and reflect the cultured image.
14. Finish the Website, which should focus on marketing the area as well as providing a tool for internal communication. Other features that need to be added include directions, internal services and communications for members, and vacant properties available.
15. Select target materials to target markets. Consider advertising outside of Hamilton in other newspapers such as Oakville.

16. Allow other organizations/agencies to use Westdale for special events. This involves minimum planning and maximum exposure.

Mid-Term to Long Term

Economic Development

1. In the long term assess the feasibility of converting the ground floor apartments that front King Street West to commercial uses.

Physical Improvement

2. Develop an agreement with the City of Hamilton outlining areas of financial responsibility concerning capital improvements, maintenance, and repairs.

SECTION 6

SECTION 7

CITY WIDE IMPLICATIONS

7.1

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
Information Technology Services Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	March 31, 2003	**Prepared by:**	Christine Swenor 546-4562

SUBJECT: IP Telephony Update (FCS03007(a)) (City Wide)

RECOMMENDATION:

That Report FCS03007(a), IP Telephony Update, be received for information.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

This report provides some important background pertaining to IP Telephony in the City of Hamilton and highlights the status of the project since Council approval on January 8, 2003. Similar periodic updates will be presented over the coming months.

In brief, a project delivery structure has been put in place to manage the implementation of the project. In addition to the project team, a steering committee of senior staff will oversee the delivery of the project. A number of sub-teams including Customer Service, Technology Deployment, Financial Services, Training, and Communications have been put in place to examine all aspects of the project. Furthermore, a separate team of staff has been assembled to specifically monitor and address quality assurance issues over the life of the project. Council may wish to establish a sub-committee consisting of Council members to act as advisors over the course of the project and to ensure that all decisions affecting service to the public are given proper attention. Staff will be providing regular update reports on the project using a project report card stating percentages of project completion and budget expended. This will facilitate project tracking by Council and its advisory committee.

An independent consultant was retained to review the Bell Canada proposal to ensure adherence to the essential requirements of the project. A financial review was also undertaken as part of this process. The outcome of the review showed that the essential requirements including validation of the current cost estimates were met. In addition, the review identified a number of areas which staff will work on with Bell as part of the final contract preparation.

The project is currently proceeding through the Planning and Design phase with the first set of IP phones scheduled for deployment in mid May. It is estimated that approx. 1900 phones will be deployed by the end of July with project completion targeted for the end of October.

BACKGROUND

Project History

In 2001, Information Technology Services began their investigation of IP Telephony, a technology that combines voice and data communications into one converged network using industry standard protocols. The purpose was to look at opportunities to reduce the costs of a very expensive Centrex system as well as to improve the delivery of voice services. At present, the City spends approximately $2.8M annually on voice communication services.

Working with the City's current suppliers, preliminary network designs using the IP telephony concept were prepared and a business case was developed.

A request for proposal was issued to engage a consultant to review and validate the business case. Graycom Analysis was selected based on their telecommunications experience within the public sector. Graycom produced a report that validated the original business case and identified additional savings. These additional savings were a result of reducing the number of Direct In Dial numbers from 3800 to approximately 300. This reduction contributed an additional $168,000 to the annual operating savings of IP Telephony.

As the business case was finalized it was concluded that the City's annual operating costs could be reduced by as much as $2M in future years.

Other significant impacts were identified:

- Moves, Adds & Changes – Tasks associated with telephone moves, adds and changes would be eliminated or simplified, resulting in significant savings and more efficient staff relocations. IP Telephony would create more flexibility in the use of office space.
- Consistent dial plan – IP Telephony would provide 4-digit dialling to all City staff to replace the current confusing dialling alternatives.
- Consistent services – IP Telephony would resolve current problems with the City's older PBX systems.

- Integrated voice & data network – By implementing IP Telephony, the City would have one network infrastructure for voice and data. The implementation of a converged voice and data network would enable new applications, such as integrating the City's intranet phone directory with the telephone. Building an integrated, high-performance network is a pre-requisite for computing services of the future.
- Value-added services – Unified messaging would give selected staff the ability to manage both voicemail and email.
- Customer Contact Centre enhancements - IP Telephony's infrastructure is key to providing enhanced Contact Centre services. This project would allow those enhanced services (described later in the report) to be better integrated with other City services.

The IP telephony project will have no immediate impact on the use and application of cellular telephones by staff in the corporation.

On July 10, 2002, a report was submitted jointly by the Corporate Secretariat and Finance & Corporate Services departments. Council approved the recommendation to issue an RFP for the project.

Graycom Analysis was subsequently engaged to assist in the RFP preparation. As the design of the RFP proceeded, the consultant recommended that the proposal be developed such that the City leverage it's investment in the existing data infrastructure. This infrastructure was built using Cisco equipment and had already been deployed at approximately 150 sites. Maintaining the infrastructure would also preserve the tight integration with FibreWired, the provider of fibre connections between City sites. Any potential change in the underlying infrastructure would have resulted in a complete redeployment and reconfiguration of network equipment involving significant staff time, re-training, and increased project costs.

Therefore, the RFP separated the technology into 2 components:

a) An upgrade of the existing data infrastructure, consisting of routers & switches; and
b) The IP Telephony solution, consisting of phones, call processors, etc.

The RFP specified the equipment required for part a) as Cisco parts to ensure compatibility with our existing network. Part b) of the proposal was defined in terms of needs and standards to ensure a wide range of solutions could be proposed. Proponents were invited to submit proposals for part a, part b, or both.

A Request for Proposals for IP Telephony Solution and Data Infrastructure Upgrade was issued On October 11, 2002 and closed on November 8, 2002.

On December 11, 2002, staff informed Council that a single proposal was received from Bell Canada. Staff then reviewed Bell's proposal and concluded that the mandatory requirements specified in the RFP met the objectives of the project. A series of meetings were held with Bell Canada and a letter of intent was drawn up that established various costing and service guarantees.

On January 8, 2003, Council approved a staff recommendation to award the contract to Bell.

The proposal received from Bell provides many additional features and improved backup at a total cost of $14.4 million over a 7-year period. These costs are allocated between capital and operating as follows (all costs include applicable taxes):

	Status Quo	**Proposal**
Capital	$ 400,000	$ 6,800,000
Operating	$ 19,600,000	$ 7,634,735
Total	**$ 20,000,000**	**$ 14,434,735**

Note: Operating costs include long distance charges which are not affected by IP Telephony.

The capital investment for this project will be recovered in 3.78 years based on average annual operating savings of approximately $1.8M.

Bell Canada has offered a contract term of 5 years with fixed-cost maintenance services. Included is an option to extend for a further 2 years with a maximum 5% annual increase in maintenance costs.

The following table provides a chronological recap of the events leading up to project kick-off in February of this year.

Date	Event
June 2001	Telecom Strategy Report
July – Oct 2001	Investigation of IP Telephony
November 2001	Business Case
February 2002	Business Case Analysis
July 2002	Council Approval to Issue RFP
October 2002	RFP Issued
November 2002	RFP Closed
December 2002	Information Report to Council – Single Bidder
December 2002	Letter of Intent – Bell Canada
January 2003	Council Approval to Award Contract
February 2003	Project Begins – Equipment Ordered

Similar IP Telephony Installations

Organizations (such as Sheridan College and Algonquin College) which had successfully implemented the technology have been investigated. Site visits to the University of Guelph and Sheridan College allowed staff to witness IP telephony in a production environment and to validate the reliability of the technology.

Similarly, the City of Mississauga recently deployed IP telephony using a Cisco solution. Staff visited the City of Mississauga to discuss their installation and to increase our knowledge of a Cisco IP Telephony implementation in a municipal environment. Mississauga's implementation went smoothly and the transition was seamless to employees and the general public. The technology is now in operation throughout a large part of their organization and the project has been a tremendous success.

As we proceed through our implementation in the City of Hamilton, we plan to maintain contact with key staff at the City of Mississauga. This will permit continued sharing of information. The following chart offers a comparison between our installation and that of Mississauga's.

Item	Mississauga	Hamilton
Sites	72	146
Phones	2000+	4000+
Call Centres	14	25
Capital Investment	$3,500,000	$6,800,000
Cost/year Pre IP Telephony	$1,200,000	$2,800,000
Cost/year Post IP Telephony	$500,000	$ 900,000

There are a number of other successful government installations including the Province of Quebec, Montreal Transit, City of Dallas, Lester Pearson Airport, along with many Health Care institutions.

Project Status

Staff are in the planning phase of the project and have developed a project plan including detailed network design, deployment schedules, and training plans.

The terms of the contract are being finalized and are expected to be completed by the end of April.

Public consultation is being planned in April to assist in defining the full functionality of the Auto Attendant system. This system is required as a result of the elimination of a number of Direct-in-Dial numbers. Instead of dialling a direct-in-dial number, an outside caller will dial 546-2424 and will be greeted by the automated attendant. The caller may then enter the extension number or name of the person they are calling using the phone keypad. Their call will automatically be directed to the correct phone extension. Final details of the auto attendant operation will be established after public consultation. The phone number for the Contact Centre will remain unchanged.

New phones are being provided as part of the project. Appendix B includes an illustration of the phone that most City staff will receive. This particular phone has an LCD display that shows time, date, your phone number, caller ID, and line/call status. The City's internal phone directory will also be shown on this display. Depending on job requirements some staff may receive a different phone. Training will be provided to all staff on the use of the phones and on-line tutorials are available today on ENet.

The first IP phones are expected to be rolled out in mid-May. These will be deployed to a pilot group of users consisting of 40-50 staff. The intent of the pilot is to test the deployment plan and obtain feedback from the users. In early June, after completion of the pilot, phones will installed at 5 major sites including; City Hall, Central Library, 330 Wentworth, 1 Hughson St, and Corporate Buildings in Dundas. The remaining scheduled sites will follow.

There are currently 146 locations that are scheduled to be converted to IP Telephony. Sites that are not currently connected to the fibre network are considered out-of-scope and will not be converted.

A project delivery structure has been put in place to manage the implementation of the project. In addition to the project team, a steering committee of senior staff from EMS, Public Health & Community Services, and Corporate Services will oversee the delivery of the project. A rigorous quality assurance process will be undertaken and the services of a 3rd party will be retained as a sounding board on a per diem basis.

To ensure an adequate level of involvement in the project, Council may wish to establish a sub-committee. This committee would consist of Council members who would act as advisors over the course of the project to ensure that all decisions affecting service to the public are given proper attention. Staff will be providing regular update reports on the project using a project report card stating percentages of project completion and budget expended. This will facilitate project tracking by Council and its advisory committee.

Appendix A of this progress report includes various documents that illustrate the project management structure and organizational activities being undertaken. Should Councillors be interested in more details, staff would be happy to provide these.

Customer Contact Centre

The installation of IP Telephony builds the infrastructure to improve services in the Customer Contact Centre. These include Interactive Voice Recognition, Computer Telephony integration, voicemail hardware and software, and improvements to the Automated Call Distribution switch and software. These enhancements will improve our ability to manage the call loads and to track statistics with respect to incoming and outgoing calls as well as the escalated calls to service areas. In addition, these would provide the advantage of using skills-based routing either for specific time-limited service requirements or as operational needs dictate. For example, it provides the ability for the Contact Centre to be virtually expanded to the Municipal Service Centres and other service locations at times of increased call volumes.

Conversion of the Contact Centre is scheduled to begin in mid-July with completion in early September.

ANALYSIS OF ALTERNATIVES:

No alternatives were analysed as part of this information report.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial, staffing, or legal implications identified in this information report.

POLICIES AFFECTING PROPOSAL:

No corporate policies are affected by this report.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Purchasing and Legal Services staff will be consulted and will assist with establishing the terms of the final contract with Bell Canada.

Public consultation is being planned in April to assist in defining the functionality of the Auto Attendant system.

CITY STRATEGIC COMMITMENT:

IP Telephony supports the City's strategic values in fiscal accountability, leadership, innovation, teamwork, and excellence. IP Telephony will provide increased services at a greatly reduced cost thereby contributing to the City's strategic goals of growth and opportunity as well as a city that spends wisely and invests strategically.

IP Telephony supports the City's strategic values:

- Fiscal accountability – this project will provide significant savings while improving service levels.
- Leadership – IP Telephony is a leading edge technology which will demonstrate the City's technology leadership and will provide a springboard for local businesses to implement the technology.
- Innovation – this project is an example of innovation within municipal government. It provides the City with the ability to provide improved services at a significantly lower cost by implementing an innovative technology which leverages the City's investment in its data network.
- Teamwork – implementing this technology demonstrates the teamwork among departments within the City and partnerships with the City's suppliers.
- Excellence – IP Telephony will provide the City with a best-of-breed technology.

IP Telephony will assist in reaching the City's strategic goals:

- A city of growth and opportunity – investment in infrastructure. By investing in a converged voice & data network infrastructure, the City will pave the way for additional growth and opportunity.
- A healthy, safe and green city – improving air quality. By providing increased flexibility for teleworking, IP Telephony technology will reduce the need for commuting and contribute to reduced pollution.
- A city that spends wisely and invests strategically – best practices, best value. IP Telephony will provide increased services at a greatly reduced cost – a very wise expenditure. By implementing this project, the City will define the best practices for municipal voice telecommunications.
- A city of choice for high performance public servants – business & service excellence, IP Telephony will provide high quality tools for staff, ensuring that high performance people will come to the City and will remain with the organization.

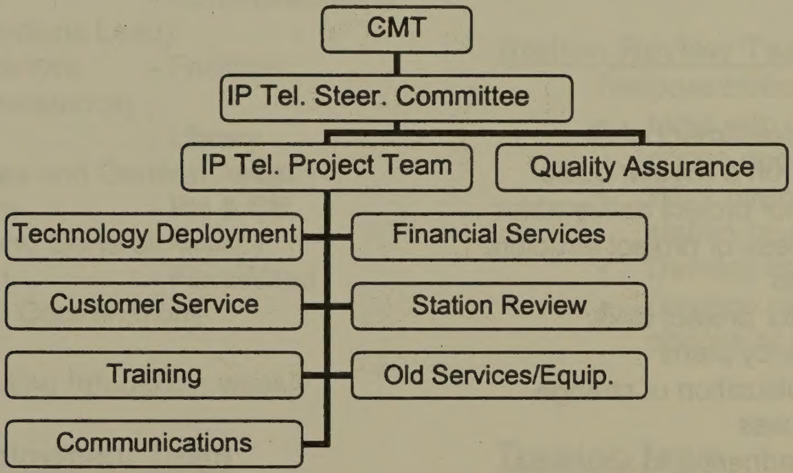
CITY of HAMILTON
IP Telephony

PROJECT STATUS

Project Structure:

The Project Structure has been designed to ensure that:

- All stakeholder interests are addressed;
- The project is implemented on time and on budget;
- Decisions can be made quickly and at the appropriate level;
- Implementation teams have the agility to move quickly
- CMT, Council and staff are kept informed.


CMT
IP Tel. Steer. Committee
IP Tel. Project Team
Quality Assurance
Technology Deployment
Financial Services
Customer Service
Station Review
Training
Old Services/Equip.
Communications

Executive Sponsor

Joe Rinaldo – General Manager, Corporate Services

Steering Committee

Responsibilities:

- Provide overall project direction
- Ensure that goals are met & services are delivered
- Ensure delivery on time
- Address issues as they arise
- Resolve scope changes provided that the costs are within the overall project budget.

Meeting frequency: Every 3-4 weeks

Members
Christine Swenor - IT (Project Director)
Louis Shallal - IT
Jane Lee - Customer Service
Tony Tollis - Finance
Ken Knoflook - Emergency Services
Nella Roque - Public Health and Community Services

IP Telephony
Project Report Card - as of March 19 2003

Project Director

Responsibilities:

- Act as Steering Committee Chairperson
- Provide advice and direction to Project Manager
- Deliver updates on project status to Executive Sponsor and CMT
- Escalate issues to Executive Sponsor and CMT as required
- Communicate and liaison with Bell Account Executives
- Manage quality assurance process

Contract Negotiations

Responsibilities:

- Establish a legal contract with vendor by;
    - representing the best interests of the City and,
    - ensuring request for proposal clauses and requirements are reflected

Members

Louis Shallal - IT
Christine Swenor - IT
Elaine Holt - Legal
Stephen Bauld - Purchasing
Jane Lee - Customer Service

Quality Assurance

- Provide overall assessment of all aspects of project on a regular basis
- Review and monitor project deliverables
- Monitor effectiveness of project structure and staff resources
- Identify and monitor project risks; mandate contingency plans
- Ensure effective utilization of change management process
- Ensure project is adhering to schedule
- Review of budget and budget records
- Conduct formal project interviews with team members
- Establish and document improvement activities

Meeting frequency: Every 3 weeks

Members

Christine Swenor (Project Director)
Joe Murphy (Bell – Sales Manager)
Lisa Gerrie (Bell – Account Executive)
Consultant (TBD)

IP Telephony
Project Report Card - as of March 19 2003

Project Delivery Team

—Responsible for overall planning and delivery of project

Members

Peter MacNeil - IT
(Project Manager)
Cathy Poper - IT
(Technology Deployment Lead)
Verna Radford - Contact Centre
(Customer Service Lead)
Joan Weatherhead - Finance
(Financial Services Lead)
Deborah Hindley - IT
(Training Team Lead)
Tom Wallis - Communications
(Communications Lead)
Kathryn McIntyre - Facilities
(General Assistance)
Bill Guise - Library
(Library Sites and General Assist.)
David Moore - PH & CS
(PH Sites and General Assist.)
Phil Mostert - FibreWired
(FibreWired Coordination)

Meeting frequency: weekly

Technology Deployment Team

Responsbilities :

- Design/plan/implement network upgrades
- Design/plan/implement call manager, unity messaging and ICD equipment.
- Plan/deploy IP phones.
- Plan/implement monitoring software
- Conduct traffic studies
- Implement links to public switched network

Financial Services Team

Responsibilities:

- Develop model for shared operating cost allocation by user/division
- Develop reports for tracking usage
- Develop long distance chargeback mechanism
- Track and monitor project budget

Customer Service Team

Responsibilities:

- Plan and coordinate public consultation requirements
- Design/plan/implement City-wide automated attendant
- Resolve final Direct In Dial numbers
- Coordinate Blue Pages entries
- Coordinate and implement ACD/UCD plans
- Voice processing
- Interactive Voice Recognition
- Coordination of delivery to Contact Centre

Station Review Team

Responsibilities:

- Meet with division reps to determine phone needs
- Work directly with Bell team on station-by-station review
- Develop implementation templates
- Develop plans for deployment of phones at each location

Training Team

Responsibilities:

- Coordinate user training with Bell
- Communicate training plans & schedules
- Coordinate training of internal trainers
- On-line training materials

Old Services & Equipment Team

Responsibilities:

- Cancellation of all old services; ensure savings are achieved.
- Investigate rental/leasing agreements and recommend disposition
- Coordinate disposal of all old equipment with Purchasing
- Establish disposal plans for all new material packaging.

IP Telephony
Project Report Card - as of March 19 2003

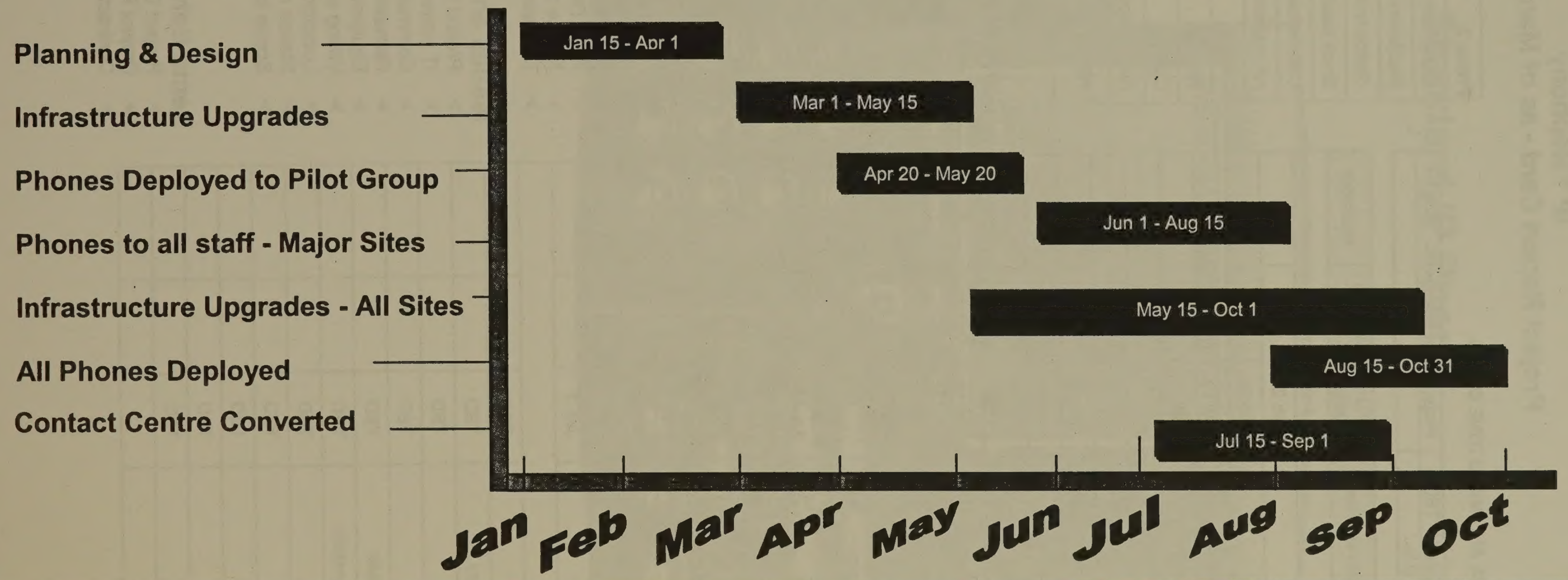
Communications Team

Responsibilities:

- Ensure City staff are well-informed of the project, the deployment schedule, and the impact on their respective areas
- Set up and promote staff open house sessions
- Assist with development and distribution of project newsletters
- Ensure that the public is adequately informed of any changes in service.
- Appropriately coordinate with the City's branding initiative

IP Telephony
Project Report Card - as of March 19 2003

PROJECT MILESTONES



IP Telephony
Project Report Card - as of March 19 2003

PROJECT STATUS AND MILESTONE DATES

Activities Completed – TBD%	Project Time Elapsed – 18 %
Budget Spent – 0 %	

Milestone/Deliverables	Plan Date	Actual Date	Indicator
Overall			
Project Charter	Feb 22		
Project Plan	Feb 28		
Contract Negotiation	Feb 28		
Final acceptance	Oct 31		
Phase 1			
Megalink order	Feb 24	Feb 21	✓
Phase 1 Voice Equip. order	Feb 14	Feb 24	✓
Phase 1 Data Equip. order	Feb 14	Feb 25	✓
Technical planning	Feb 7-Apr 29		
Site Surveys begin	Feb 17	Feb 17	✓
Station reviews	Apr 11–Oct 18		
Phase 1 Equip. delivery	Apr 14		
Call Manager design	Feb 17-Apr 2		
AA design	Feb 24-May 5		
Unity Voicemail design	Feb 24-May 5		
Testing	May 5-19		
Training	May 12-19		
Pilot site installs	May 19		
Cutover	May 20		
Acceptance	Jun 3		
Phase 2			
Equipment order	TBD		
Equipment delivery	TBD		
Station reviews	TBD		
ACD designs	TBD		
Core building installs	TBD		
Medium building installs	TBD		
Unity voicemail	TBD		
Training	TBD		
Testing	TBD		
Cutover	TBD		
Acceptance	TBD		
Phase 3			
Equipment order	TBD		
Equipment delivery	TBD		
Station reviews	TBD		
Small building installs	TBD		
Unity voicemail	TBD		
AA implementation	TBD		
Testing	TBD		
Training	TBD		
Cutover	TBD		
Acceptance	TBD		

Legend Behind ✓ Complete On Track Delays Occurring

Current Activities

- Equipment delivery Mar 18th:
    - 1164 phones
    - 8 servers
    - 2 analog gateways
    - ITEM & Unity software
- Site surveys completed for 22 buildings.
- Data network redesign complete
- IP re-addressing defined
- Pilot station reviews started
- Project charter V2.1 created
- Project plan under development

Communications/Change Management

- Connections Newsletter distributed
- eNet web site set up
- DMT meetings planned
- AA & DID public consultation planned
- Mouse pads & inserts being investigated
- DID, station review & pilot info being developed

Issues and Hot Topics

- Project Charter & Plan
- IT move to HPL
- Communications catch-up
- Remaining equipment delivery for Pilot
- Equipment inventory
- Wiring upgrades
- Location changes
- Station reviews
- Scope issues:
    - None

Items Behind Schedule

- Project Charter
- Project Plan
- Contract negotiations

Standard IP Phone

13:02 10/9/00
2010
2000
3000
Your current options
Redial
NewCall
CFwdAll
more

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

7.2

CORPORATE SERVICES
City Clerk's Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	March 24, 2003	**Prepared by:**	Charlene Touzel (905) 546-2753

SUBJECT: 2003 Municipal Election – Advance, Special Advance and Institutional Voting (FCS03049) (City Wide)

RECOMMENDATION:

(a) That in accordance with Section 43(1) of the *Municipal Elections Act, 1996, as amended,* that Council adopt a By-law to:

(i) establish the following dates and hours for advancing voting for the 2003 Municipal Election based on one advance voting location in each of the City's fifteen wards:

Tuesday, October 21, 2003	10:00 a.m. to 7:00 p.m.
Saturday, October 25, 2003	10:00 a.m. to 5:00 p.m.
Saturday, November 1, 2003	10:00 a.m. to 5:00 p.m.

(ii) establish the following date and hours for special advance voting for seniors residing in Seniors only apartments comprising one hundred (100) or more dwelling units and for College and University students living in residence at each of these institutions located in the City of Hamilton where the total number of dwelling units is over one hundred (100) units:

Wednesday, October 29, 2003	10:00 a.m. to 5:00 p.m.

(b) That in accordance with Section 46(3) of the *Municipal Elections Act, 1996, as amended*, that Council adopt a By-law to provide for reduced opening hours for voting places for residents of institutions or retirement homes as defined in subsection 45(7) of the Act on Election Day (Monday, November 10, 2003) as follows:

Number of occupied beds on Nomination Day	Hours of Voting
Less than 100	10:00 am. to 2:00 p.m. **or** 4:00 p.m. to 8:00 p.m. (a schedule will be developed for each facility in order to maximize available staffing and equipment resources)
100 or more	10:00 a.m. to 8:00 p.m.

(c) That the by-laws as referenced in recommendations (a) and (b) above be prepared in a form satisfactory to Corporate Counsel for presentation to City Council.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Finance and Corporate Services

EXECUTIVE SUMMARY:

This report establishes the dates and voting hours for advance, special advance and institutional voting for the 2003 Municipal Election in accordance with the provisions of the *Municipal Elections Act, 1996, as amended.*

BACKGROUND:

Three Advance Voting dates are being recommended for the 2003 Municipal Election. As in past Elections, one voting location in each of the City's fifteen wards will be used for advance voting purposes. A review and assessment of all 2003 voting locations, including advance voting locations, is currently underway by the City Clerk's Division.

As outlined in Report FCS03038 respecting amendments to the *Municipal Elections Act* as presented to the Committee of the Whole in February, 2003, the extension of the period of time between Nomination Day and Election Day from 30 to 45 days provides earlier advance voting opportunities for electors. The first possible advance voting day is recommended for Tuesday, October 21, 2003 which will provide Staff with sufficient time to have ballots prepared following Nomination Day.

In an effort to accommodate the needs of electors who may work during the week or on weekends, Staff is recommending that two of the three advance voting days be held on a Saturday with the other being held on a weekday.

As in the past, the City will be providing voting places on voting day for institutions in which, on nomination day (Friday, September 26, 2003), 20 or more beds are occupied by persons who are disabled, chronically ill or infirm; or, a retirement home in which, on nomination day, 50 or more beds are occupied. The list of potential institutional polls for the 2003 Elections is attached hereto as Appendix "A". Reduced hours of voting is being recommended for those institutions with less than 100 occupied beds so that Election Staff and voting equipment can be shared between two institutional polls (10:00 a.m. to 2:00 p.m. at one location, 2 hours for cleanup, travel and setup time and then 4:00 p.m. to 8:00 p.m. at the second location).

In addition to regular advance voting and institutional voting for eligible electors in each ward, special advance voting opportunities for seniors residing in Seniors only apartments and students living in residence at Mohawk College and McMaster University is being recommended. Special advance voting is not new to 2003, however, in the absence of approved criteria defining where these polls should be located, their selection in past Elections has been inconsistent. Staff has identified the need for formalized criteria for the selection of these locations for the 2003 Municipal Election. Based on the criteria as outlined in recommendation (a)(ii), 16 Seniors apartments have been identified as potential locations for special advance polls on October 29, 2003. These sites are identified in Appendix "B" attached to this report. Five of these 16 apartments have also been identified as institutional polls and voting that these facilities will take place on Election Day.

ANALYSIS OF ALTERNATIVES:

Special Advance Polls

While the provision of Special Advance Polls is not required under the Act, the City of Hamilton has in past Elections, provided advance voting opportunities at a number of Seniors apartments throughout the City of Hamilton, who would not otherwise qualify as an Institutional poll on Election Day. Council could opt to not provide Special Advance voting opportunities at these facilities, thereby requiring electors to vote at Advance Polls or at their Regular Poll on Election Day, however, for those electors that are less mobile, a decline in voter turnout could result.

Should Council decide not to provide this option, or to amend the criteria for the selection of these polls, the cost implication per location is approximately $700 for Election Staffing and site rental costs.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

The provision of Advance, Special Advance and Institutional Voting locations as recommended in this report are in keeping with the levels provided in 2000, funding for which is available within the 2003 in the City's 2003 Election Operating Budget.

Legal Implications

Under the *Municipal Elections Act*, City Council shall, at least 30 days before voting day, pass a by-law establishing one or more dates for an advance vote and the hours during which voting places shall be open on that date or dates. The Staff recommendation meets this requirement.

POLICIES AFFECTING PROPOSAL:

N/a

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/a

CITY STRATEGIC COMMITMENT:

The recommendations contained within this report are in keeping with the following goals of Vision 2002:

- to enable participation by all citizens and communities in government decisions;
- to ensure that public activities and decisions at all levels of government are coordinated, efficient, effective and easily accessible to all citizens.

attachments

cc Diane Pierce, Information Technology Services
Hamilton-Wentworth District School Board
Hamilton-Wentworth Catholic District School Board
Le Conseil scolarie public de district du Centre-Sud-Ouest
Le Conseil de district catholique du Centre-Sud

Appendix “A” to Report FCS03049

Institutional Voting Locations – 2003 Municipal Election

Ward	Location	Address
1	CNIB Building	1686 Main Street West
	Shalom Village	60 Macklin Street North
	St. Olga's Life Care Centre	570 King Street East
	Parkview Nursing Home	545 King Street West
2	Central Park Lodge	35 Arkledun Avenue
	Durand Seniors Residence	10 Herkimer Street
	Queen's Garden	80 Queen Street North
	St. Joseph's Hospital –CCU	50 Chalreton Avenue East
	Townsview Lifecare Centre	39 Mary Street
	Versa-Care Services	330 Main Street West
3	Hamilton Continuing Care	125 Wentworth Street South
	St. Peter's Centre	88 Maplewood Avenue
	Victoria Gardens LT Nursing	176 Victoria Avenue North
4	None	
5	None	
6	Hillview Seniors Residence	832 Concession Street
	Macassa Lodge	701 Upper Sherman
7	Grace Villa	45 Lockton Crescent
	The Wellington	1430 Upper Wellington
	Villa Kiev	18 Mall Road
	Wentworth Heights	1620 Upper Wentworth Street
8	Chedoke Continuing Care Unit	565 Sanitorium Road
	Extendacare Hamilton	90 Chedmac Drive
	Idlewyld Manor	449 Sanitorium Road
	St. Elizabeth's Villa	391 Rymal Road
	St. Joseph's Mental Health	100 West 5th Avenue
	Villa Italia	530 Upper Paradise Road
9	Heritage Green Senior Centre	353 Issac Brock Drive
	Ridgeview Long Term Care Centre	385 Highland Road West
10	New Village Nursing Home	490 Highway #8
	Pine Villa Retirement Home	490 Highway #8
	Clarion Nursing Home	339 Highway #8
11	Stoney Creek Life Care Centre	199 Glover Road
12	The Meadowlands	1248 Mohawk Road
13	Blackadar Continuing Care	101 Creighton Road
	Dundas Retirement Place	33 Main Street
	St. Joseph's Villa	56 Govenor's Road
	The Georgian	255 Govenor's Road
	Wentworth Lodge	41 South Street West
14	The Meadows	12 Tranquility Avenue
15	Alexander Place	329 Parkside Drive
	Grindstone Manor	335 Dundas Street East

Appendix "B" to Report FCS03049

Special Advance Voting Locations – 2003 Municipal Election

Seniors Apartments with 100 or More Units

Ward	Location	Address	Units per	Institutional Poll 2003
1	Hamilton Housing Corporation	120 Strathcona Ave., Hamilton	259	
2	Hamilton Housing Corporation - Rebecca	26 Rebecca St., Hamilton	199	
2	Martinique Apartments	155 Park St., Hamilton	375	
2	Hamilton Housing Corporation-Jackson/Main	200 Jackson St. W./191 Main St. W., Hamilton	465	
3	Sanford Gardens	30 Sanford Ave.S., Hamilton	350	
3	First Place	350 King St. E., Hamilton	463	
5	Greenvale Apartments	555 Queenston Rd., Hamilton	199	
6	Swansea Apartments	801 Upper Gage Ave., Hamilton	242	
7	The Wellington Retirement Home	1430 Upper Wellington St., Hamilton	102	Yes
7	Villa Kiev	18 & 30 Mall Rd., Hamilton	152	Yes
7	Mohawk Gardens	395 Mohawk Rd. E. , Hamilton	169	
8	St. Elizabeth's Villa	391 Rymal Rd. W., Hamilton	150	Yes
9	Heritage Green Seniors Centre	351 Isaac Brock Dr., Stoney Creek	110	Yes
10	New Village Retirement Home	490 Highway # 8, Stoney Creek	140	Yes
10	Manor 1& 2, Paramount Place	100 & 110 Stoneybrook, Stoney Creek	195	
13	Helen Park Apartments	16 Helen St., Dundas	101	

SECTION 8

AFFECTS
WARD 11 and
CITY WIDE

8.1

CITY OF HAMILTON

ECONOMIC DEVELOPMENT

Report to:	Mayor and Members Committee of Whole	**Submitted by:**	Neil Everson, Executive Director
Date:	March 31, 2003	**Prepared by:**	N. Everson (X2359)

SUBJECT: **Industrial Park – Extension to the Commencement and Completion of Construction Dates - Aeropark Lands – Orlick Industries (ECO03008) (Ward 11 and City Wide)**

RECOMMENDATION:

(a) That the Offer to Purchase the lands known as Part of Lot 5, Concession 3, Township of Glanford designated as Pt. 1, 62R-12209 and Pts. 7, 13, 19, 20, 25, 26 & 27, 62R-12459, municipally known as 2530 Highway #6, formerly in the Town of Glanbrook, now in the City of Hamilton, duly executed by the Purchaser, Orlick Industries Limited, on April 12, 2000 and approved by Regional Council on December 21, 1999, Item 1 of Report 8-99 of the Economic Development and Tourism Committee, be amended as follows;

That clause 8.7 – the commencement of construction date be extended from May 2, 2003 to May 2, 2004,

That clause 8.8 – the completion of construction date be extended from November 30, 2004 to November 30, 2005.

All other terms and conditions of the agreement shall remain the same and time is of the essence.

Neil Everson, Executive Director
Economic Development

EXECUTIVE SUMMARY:

Orlick Industries has requested a second extension to the construction commencement and construction completion dates, which convenants are registered against title to the Aeropark Industrial lands located on Highway No. 6. Orlick Industries has completed design work on the new facility but due to unforeseen delays related to storm water management issues on the subject property and NavCan approvals, it will not be possible to comply with the established commencement dates. This report seeks approval for the request submitted by Orlick Industries Limited, for another one year extension to the construction commencement and construction completion dates.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 11 with possibility of Citywide Implications.

On December 21, 1999, the former Regional Council adopted Item 1 of Report 8-99 of the Economic Development and Tourism Committee approving the sale of the 53 acre Aeropark Lands located on the west side of Highway No. 6 just north of the John C. Munro Hamilton International Airport to Orlick Industries Limited for a purchase price of $1,400,000.

Part of the sale covenants that were registered on the title was for Orlick Industries to commence construction of a 140,000 square foot automotive part manufacturing building by May 2, 2002, with completion of the construction by November 30, 2003. Also included in the registered covenants was a clause indicating that an extension of these construction covenants will not be unreasonably withheld subject to an explanation in writing from Orlick Industries as to the nature of the delay.

Subsequently, last year Orlick Industries requested an extension to the time requirements for their construction plans on the Aeropark lands. The primary reason for the extension being the slow recovery of the North American automobile industry. Orlick has completed its design work and is currently in negotiations with the City to purchase a small portion of Airport Lands abutting their existing property. The positioning of this plant and a potential second operation has significant ramifications on the existing storm water management and drainage course. Further, the design and placement of the buildings is subject to NavCan approval that may be a lengthy process. Anticipated construction of the plant should still commence this summer but will not occur until after the Council approved commencement date.

ANALYSIS OF ALTERNATIVES:

The City could take a hard line position, decline the request made by Orlick Industries Limited and insist that the construction be commenced or the property repurchased by the City. However, the agreement does contemplate that an extension may be requested and it does state that the municipality will not act unreasonably in considering a request for an extension to the construction commencement and completion dates. Consequently, given the commitment of Orlick Industries and the potential 250,000-sq. ft. of construction, such a request is not unreasonable and therefore is supported by staff.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Economic Development Department has consulted with staff from the Real Estate Division and from Legal Services on the request received from Orlick Industries Limited regarding the extension of the construction commencement and construction completion dates. All staff is in agreement with granting this request.

CITY STRATEGIC COMMITMENT:

"Growing the Local Economy" – the development of the Aeropark lands with the expansion of Orlick Industries Limited will create new assessment and create well paying, high skilled jobs. The new plants will also be cargo/courier users of the John C. Munro Hamilton International Airport.

SECTION 9

SECTION 10

SECTION 11

AFFECTS WARD 11

11.1

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	March 28, 2003	**Prepared by:**	Al Fletcher
File:	OPR-UER		(905) 643-1262 x283

SUBJECT: **Smart Growth Strategy to Deal with Urban Boundary Expansion Requests - Response to Direction to Consider Lower Stoney Creek (PD02100(a))(Ward 11)**

RECOMMENDATION:

(a) That Council supports the inclusion of the subject lands, described as west of Winona - bounded by generally Fruitland Road (actual Fruitland Road By-pass), Highway No. 8, western limits of Winona and Barton Street and east of Winona - bounded by the eastern limits of Winona, Highway No. 8, Railway (west of Fifty Road), South Service Road (east of Fifty Road) and the City limits, within the Urban Boundary of the former Region of Hamilton-Wentworth Official Plan and the former City of Stoney Creek Official Plan.

(b) That Council directs Planning and Development Department staff to prepare an Official Plan Amendment to the former Region of Hamilton-Wentworth Official Plan to re-designate the subject lands, as described in Sub-section (a) above as follows:

  (i) Re-designate Areas A, B and C, as shown on Appendix "A" to Report PD02100(a), from "Rural Area" to "Urban".

  (ii) Delete the Areas A, B and C, as shown on Appendix "A" to Report PD02100(a), from the designation of "Prime Agricultural Lands" and "Speciality Crop Areas".

(c) That Council directs Planning and Development Department staff to prepare and circulate a draft Official Plan Amendment to the former City of Stoney Creek Official Plan to designate the subject lands, as described in Sub-section (a) above to the following:

  (i) Re-designate the Areas A, B and C as shown in Appendix "A" to Report PD02100(a), from "Agricultural" to "Urban Policy Area".

(ii) Re-designate the lands shown as Areas A, B, C, D, and E, as shown in Appendix "A" to Report PD02100(a), to a "Special Policy Area", which permits development in the study area subject to Secondary Planning being completed for the entire study area.

(d) That staff be directed to:

(i) Hold a Public Open House to review the proposed Amendments with the Public, prior to the Hearings Sub-Committee meeting.

(ii) Report back to Council through Hearings Sub-Committee, as the formal Public Meeting, with a report implementing the above Official Plan Amendments.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

As part of the 5-year review of the former Region of Hamilton-Wentworth Official Plan (1999), staff considered the issue of Urban Boundary expansion. In anticipation of this 5-year review, the former City of Stoney Creek undertook an analysis of that City's urban land needs. Staff analyzed the existing supply of vacant residential Urban lands within the Region and determined that there was a need for the designation of additional urban lands.

Council approved the ROPA No. 9 Urban Boundary expansion; along with directing staff to consider the Lower Stoney Creek study area for Urban Area expansion. Due to the appeal of the ROPA No. 9 decision, consideration of the Lower Stoney Creek lands could not proceed as it could prejudice the Ontario Municipal Board hearing.

In 2001, the Ontario Municipal Board issued a decision that established the City of Hamilton would remain deficient of approximately 242 ha (600 acres) of land to accommodate the Official Plan's 20 year population projection, after designating the ROPA No. 9 lands as Urban. At its July 19, 2002, meeting, Council directed staff to consider the Lower Stoney Creek lands for an Urban Boundary expansion to address the deficiency.

Staff was directed to undertake three studies on the Lower Stoney Creek lands to determine the appropriateness for the expansion and the impact of the expansion. The studies undertaken were:

- Servicing Performance Evaluation
- Agricultural Impact Study
- Financial Impact Study

The Planning Evaluation section of this Report details the conclusions of the above noted studies.

Based on the conclusions of these reports, staff recommends:

(a) That the subject lands be re-designated to "Urban" within the former Region of Hamilton-Wentworth Official Plan.

- It should be noted that the lands north of the Railway and south of South Service Road might be affected by the outcome of the Industrial Business Park Study. As a result of this study, these lands could be designated Industrial Business Park and be subject of a further Official Plan Amendment to the former Region of Hamilton-Wentworth Official Plan based on the conclusions of the Industrial Business Park Study.

(b) That the subject lands be re-designated to "Urban Policy Area".

(c) That the Study Area be designated as a "Special Policy Area" within the former City of Stoney Creek Official Plan.

The Special Policy Area requires Secondary Planning to be completed for the entire study area, prior to development occurring. A comprehensive land use planning process will provide for the determination of need and the appropriate location for the various land uses (including, but not limited to, commercial, parks, schools, higher density residential, etc.) within the subject lands.

Areas to be included within the Special Policy Area beyond the study area would include:

i. The lands on the west side of Fifty Road fronting South Service Road not within the Urban Policy Area of the former City of Stoney Creek Official Plan.

ii. The lands on the east side of Fruitland Road between Highway No. 8 and Barton Street, west of the Fruitland Road By-pass and within the Urban Policy Area of the former City of Stoney Official Plan.

Secondary Planning is considered important for the lands at the Fifty Road interchange as this is a highly visible entry point to the City of Hamilton and design guidelines should be established to provide for a co-ordinated building design and landscaping in this area.

The Lower Stoney Creek study area is an anomaly. It is rare to find another Rural area that is fully serviced. The City of Hamilton provides ongoing maintenance for these services that are under-utilized. While the services are used by the residential, commercial and institutional uses in the study area, the majority of the land within the drainage area is either vacant, under hobby or commercial agricultural operations and not utilizing the services. The municipal services are not being efficiently used.

Based on the Ontario Municipal Board (OMB) Hearing and the designation of the Rymal Road Secondary Plan Area as Urban, there is a deficit of approximately 240 ha (600 acres). Following the Ontario Municipal Board hearing, a more detailed study has been completed on the inventory of vacant residential lands in the City of Hamilton. Based on this additional work, there remains a current urban residential land supply of approximately 18 of the 20 year planning horizon. The deficit of the 2 years supply represents approximately 225 ha (555 acres) of residential land (based on CMHC Housing Starts), which is generally consistent with the size of the study area (240 ha) as the entire study area will not be developed for residential purposes (e.g. parks, schools, commercial, etc.).

Approval of these Official Plan Amendments will provide for an interim Urban Boundary expansion, to meet the needs related to the City's current population projections.

BACKGROUND:

Following the ruling by the OMB, Council directed staff to consider additional lands for Urban Boundary expansion.

Based on the work that was completed by the former City of Stoney Creek and previous Regional Council directions, staff provided a recommendation, which was approved by City Council. On July 19, 2002, City directed staff to:

> "Complete the required studies for the agricultural, servicing and financial matters to determine the appropriateness of expanding the urban boundary to included the non-urban lands east of Fruitland Road to Fifty Road and north of Highway No. 8, and that staff report back to Committee of the Whole by Spring 2003 on the outcome of those studies."

Staff retained the appropriate consultants to complete the required studies and undertook analysis to consider the Lower Stoney Creek study area for an Urban Boundary Expansion policy.

PLANNING EVALUATION:

Staff prepared the report, "Lower City of Stoney Creek Urban Boundary Expansion Review" (March 2003), attached as Appendix "B" to Report PD02100(a), which summarizes the conclusions of the report completed by the consultants, i.e. agricultural, servicing and fiscal, as well as the compliance with Provincial Directions and Policy as well as the municipal Official Plans.

As previously noted, three studies were required to complete the potential urban boundary expansion for the lower Stoney Creek area. The conclusion of each of these reports are summarized below:

Agricultural impact Assessment

AgPlan Limited concluded in their report, "Agricultural Assessment for Lower Stoney Creek in the City of Hamilton" (March 2003), the following:

- *"The proposed Lower Stoney Creek urban expansion area currently has a relatively low potential for speciality crop production.*
- *The soil capability of the former Regional Municipality of Hamilton-Wentworth is relatively lower when compared to the average capability of agricultural lands in other Counties or Regions in Central to Southern Ontario.*
- *While soil capability is relatively lower by comparison to other Counties and Regions, average soil capability in Hamilton is still in the prime category. Therefore, there are no reasonable urban expansion area alternatives, which avoid prime agricultural soils in the City of Hamilton.*
- *Active agricultural uses, including speciality crop production, are not predominant within Lower Stoney Creek.*
- *The close proximity and amount of urban development increases the probability of conflict over dust, noise, traffic, pesticide application and water use related to agriculture.*
- *Significant differences in agricultural activity and agricultural potential are present within the different Street Blocks in the Study Area.*
- *Full agricultural capability, as well as potential, can only be reached after the application of drainage and irrigation.*
- *The cost of drainage and irrigation will be relatively high in the context of agricultural gross farm receipts."*

In conclusion, while there are areas of commercial agricultural production and pockets of speciality crop lands within the Study Area, the long term agricultural production within the study area cannot be maintained based on the current conditions.

To bring the area back to commercial agricultural production will require significant investment in the form of drainage, both from the farmer and the municipality, as well as investment into irrigation. The use of the existing municipal water is not an economically feasible option for the latter. Due to historic property fragmentation and the development of incompatible land uses, the municipality would be required to spearhead a common irrigation facility (i.e. pond), which would be utilized by the farmers who would have direct piped access to this facility. Limitations would also exist in many parts of the study area requiring a potential farmer to assemble several properties to permit the investment into the lands for an agricultural operation.

Public Works retained Philips Engineering to complete a report "Stormwater Quality, Management Strategy, Community of Stoney Creek - Master Plan", for the former City of Stoney Creek lands. Within this report, the locations for future storm water facilities have been determined and several are located within the study area. These facilities are designed to handle the storm flows of water through the study area, which means that these facilities only have water in the facility under certain rainfall conditions. Even if these facilities were designed to accommodate water storage, intent on solving the irrigation issue, these facilities are located at the downstream end of the study area, which would require pumping versus gravity flow to transfer the water to the farms.

The Ontario Ministry of Agriculture reviewed a draft of the AgPlan study.

Servicing Performance Evaluation

Public Works retained Aquafor Beech Limited to undertake a planning (i.e. theoretical servicing needs by land use versus observed actual servicing use) level trunk watermain and sanitary sewer servicing analysis for lands being considered for urban boundary expansion for the study area. The servicing analysis identifies trunk infrastructure requirements, dependencies, costs and timing associated with the Stoney Creek urban boundary expansion; the analysis is intended to assist staff with Secondary Plan review and development proposal submission assessment.

The Aquafor Beech Limited report, "Water Distribution & Wastewater Collection Analysis, Urban Boundary Expansions - City of Hamilton (former City of Stoney Creek)" (January 10, 2003), concluded the following:

- **Water Distribution** - There is no cost associated with the water distribution system for the proposed Urban Boundary Expansion (UBE). The existing watermains are adequately sized and system pressure is adequate to accommodate the water servicing needs of the UBE.

- **Wastewater Collection** - A 1,020 metre extension of the trunk sewer system at an estimated cost of $600,000 is required from Winona Road across to Fifty Road to provide service to the east portion of the UBE. The existing sewers in the UBE lands are adequately sized to accommodate sewage collection needs of the UBE.

- **Wastewater Treatment** - The WWTP can accommodate the additional flows of the UBE under dry weather conditions. However, the impact during wet weather needs to be considered in consultation with Water Quality Section's wet weather management strategy.

Public works staff has reviewed the study area and servicing requirements for the study area based on the population projections. The WWTP does not have the current capacity to accommodate the entire study area. However, the Public Works Department has a work plan in place to provide for the incremental capacity improvements, which will provide capacity based on the historical growth rates for the city. Capacity is also dependent on the other factors such as growth patterns throughout the City of Hamilton.

The Public Works Department has commented as follows:

> *"Public Works is leading important efforts, both planned and ongoing, that will ensure the provision of adequate wastewater servicing at the WWTP. The City of Hamilton Wastewater Investment Needs and Strategies (WINS) initiative will plan and implement wastewater infrastructure upgrades to reduce pollutant loadings entering Hamilton Harbour and meet future development needs at the WWTP. Some of the key projects under the WINS umbrella are highlighted below:*
>
> - *Optimisation studies at the WWTP will be initiated in 2003, to identify potential operational improvements and minor capital that will treat additional flows to a higher level, using the existing infrastructure more efficiently. Through optimization work, some wastewater treatment plants are successfully re-rated by the Ministry of the Environment, and the additional capacity is gained at a fraction of the cost of a plant expansion.*
> - *The recent headworks expansion and the planned primary/wet weather treatment expansion will significantly address problems associated with wet weather flows at the WWTP. Due to the combined sewer system, during heavy storm events, flows exceed the dry weather capacity and result in untreated bypasses into Hamilton Harbour. The planned primary expansion to double the peak capacity will be beneficial to water quality and ensure that any increased flows, due to development, do not compromise the plant capacity and ability to treat wet weather flows.*
> - *The City's capital budget contemplates the need for various improvements and/or expansions that will be defined under WINS for the WWT, with $150M tagged over the next 10 years."*

It should be noted that a portion of the planned $150 million in improvements and/or expansions to the WWTP would be allocated to growth, and as a result would be included within the current Development Charge Review.

The result of the above noted improvements is that phasing of development may be required to co-ordinate with the timing of development and with the timing of the WWTP improvements. The Secondary Planning exercise will provide a more detailed review of the land use break down for the study area, which will refine the servicing capacity requirements and identify any required phasing for the development of the Lower Stoney Creek lands.

Fiscal Impact Study

Staff retained the firm of Hemson Consulting Ltd. to undertake a Fiscal/Economic Impact Study to determine the long-term financial impacts of the Urban Boundary Expansion to the City of Hamilton for both the capital and operating costs. Estimated costs are associated with the entire build-out of the study area; although it is anticipated that demand for the improvements will evolve over the years of development within the study area. The timing of development in the study area is based on applications being brought forward, land assembly and market conditions.

Based on a generalized development concept for the study area, analysis was undertaken to review all City capital and operating costs, which may be affected by the expansion of the Urban Boundary on the subject lands. These are preliminary numbers are based on high-level land use breakdowns. Some assumptions (i.e. residential unit-type breakdown, commercial coverage, new subdivision road lengths and related services, etc.) were necessary given that Secondary Planning has not been completed and final land uses, as well as population projections, for the study area are not known.

There are currently deficiencies in service levels for the existing population below the escarpment, within the former City of Stoney Creek. Investment by the City is required to upgrade services, notwithstanding the increase in population proposed for the study area. As an example, there is an identified need for a new 70 - 100 acres Community Park to serve the current residents below the escarpment. The additional population projection for the study area would not require an additional Community Park as the needs of the new population could be accommodated within this park. Similarly, this analysis holds true for fire, police and libraries where operating costs will increase, but capital expenditure in new facilities would not.

The report determines that at build-out of the study area, capital expenditures are forecasted as $29.95 million. Of this amount, $23.9 million are identified as capital works, which are covered by development charges. The remaining $6.05 million will be required from the tax levy.

The Hemson Consulting Ltd. report, "Fiscal Impact Assessment - Lower Stoney Creek" (March 2003), concludes the following:

> *"The Urban Boundary expansion is estimated to have a net benefit to the City. For tax supported services the net annual benefit is forecast to be $3,047,000 at build-out, after providing for capital financing costs for the City's share of required capital works of $862,000. For rate supported services the net benefit is estimated at $1,130,000. The overall benefit to the City of Hamilton is therefore forecast at $4,177,000.*

> *The large net benefit to the City can be attributed partially to the fact that the area is already serviced in terms of major infrastructure for water and wastewater. The area also does not require the construction of new capital facilities for fire, police, libraries and recreation. However, when growth is considered elsewhere within the City, new facilities may be required. A portion of the net operating costs associated with such facilities will result from growth in the Urban Boundary Expansion area, and therefore will reduce the net benefit."*

This fiscal analysis and net benefit can be reviewed and refined once the Secondary Planning has been completed. However, the overall benefit of the existing servicing infrastructure, in the study area, provides the most significant benefit and will not be altered through Secondary Planning.

Also, as part of this report, the local school boards were contacted and each of the boards will require an additional elementary school in the study area to accommodate the students from both of the existing population as well as the new population.

ANALYSIS OF ALTERNATIVES:

Based on the research previously completed by the former Region of Hamilton-Wentworth, and through the preparation of this report, there are no other reasonable alternatives to Urban Boundary Expansion. There are no other locations within the City of Hamilton that avoid Prime Agricultural Lands, do not require approvals outside the jurisdiction of the City (i.e. Niagara Escarpment Plan Amendments or Parkway Belt West Plan amendments), or do not require significant investment by the City relating to major servicing and transportation infrastructure.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – Not applicable.

Legal – as per the Planning Act, a Public Meeting is required to be held in regard to the consideration of an Official Plan Amendment.

POLICIES AFFECTING PROPOSAL:

Approval of the recommendations by Council will require the former Region of Hamilton-Wentworth and City of Stoney Creek Official Plans to be amended, as per the report attached as Appendix "B" to Report PD02100(a).

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

As part of the discussions regarding this report and the Fiscal Impact Assessment, the following agencies and departments have been consulted:

Ministry of Agriculture and Food
Ministry of Transportation
Corporate Services Department
Public Works Department:
- Capital Planning and Implementation Division
- Operational Planning Section
- Transit Division
- Waste Management Division

Hamilton Emergency Services Department
Hamilton Police Services
Libraries
Community Services, Park and Recreation
Planning and Development Department - Building and Licensing Division

As part of the Official Plan Amendment approval process, the implementing of Official Plan Amendments will be circulated to various departments and agencies. It is proposed that a public open house be held to present the findings of this report to the public, prior to the formal Public Meeting being held at Hearings Sub-Committee.

CITY STRATEGIC COMMITMENT:

As outlined in Appendix "B" to Report PD02100(a), the Mission, Vision, Values and Goals, as well as Vision 2020, have been reviewed as part the consideration of the Urban Boundary Expansion.

SUMMARY:

The report entitled, "Lower City of Stoney Creek Urban Boundary Expansion Review" (March 2003), attached as Appendix "B" to Report PD02100(a) concludes:

> *"Based on the above analysis, the inclusion of the lower Stoney Creek area with the Urban Boundary can be supported on the following basis:*
>
> - *Supports Smart Growth objectives as the lands are fully serviced and currently not being optimized.*

- *Has regard to the Provincial Policy Statement as no other reasonable alternatives are available that avoid Prime Agricultural lands. Further, the study area is fully serviced, but not being utilized efficiently.*

- *The re-designation of the study area to "urban" maintains the City of Hamilton strategic commitment through the Mission, Vision, Values and Goals and maintains the directions of Vision 2020. By considering the appropriate locations for Urban Boundary expansion, optimizing the use of existing services and understanding the net financial benefit to the City, the study area is an appropriate location for the City to direct growth.*

- *Complies with the former Region of Hamilton-Wentworth Official Plan policies, including the re-designation of agricultural lands and a positive net fiscal benefit to the City of Hamilton.*

- *Through the implementation of Secondary Planning through an Amendment to the former City of Stoney Creek Official Plan, the proposed expansion area can implement the policies of Urban growth within study area.*

Upon approval of the recommendations by City Council, additional work to be undertaken including:

- *Processing the Official Plan Amendment to the former Region of Hamilton-Wentworth Official Plan and the former City of Stoney Creek Official Plan, including the creation of a Special Policy Area to ensure Secondary Planning, is completed in a comprehensive manner for the entire study area.*

- *Upon adoption of the Official Plan Amendments, staff will initiate Secondary Planning for the entire study area. Within this work program, evaluation will be completed for the study area for various lands uses including, but not limited to, parks, servicing, Urban Design Guidelines, schools, etc. Areas D and E are being included within the Special Policy Area due to the development ties of the lands to the study area.*

- *Through the completion of the Industrial Business Park study, the recommendations from this report may provide direction as to the development of the lands north of the railway lands, i.e. Areas C & D. The result of the study may require these areas to be re-designated, i.e. Business Park."*

Staff recommends:

(a) That Council directs staff, of the Planning and Development Department, to prepare an Official Plan Amendment to the former Region of Hamilton-Wentworth Official Plan to re-designate the subject lands being described as west of Winona - bounded by generally Fruitland Road (actual Fruitland Road By-pass), Highway No. 8, western limits of Winona and Barton Street and east of Winona - bounded by the eastern limits of Winona, Highway No. 8, Railway (west of Fifty Road), South Service Road (east of Fifty Road) and the City limits, as follows:

i. Re-designate Areas A, B and C, as shown on Appendix "A" to Report PD02100(a), from "Rural Area" to "Urban".

ii. Delete the Areas A, B and C, as shown on Appendix "A" to Report PD02100(a), from the designation of "Prime Agricultural Lands" and "Speciality Crop Areas".

(b) That Council directs staff to prepare and circulate a draft Official Plan Amendment to the former City of Stoney Creek Official Plan to designate the subject lands, as described in Recommendation (a) above, to the following:

i. Re-designate Areas A, B and C, as shown in Appendix "A" to Report PD02100(a), from "Agricultural" to "Urban Policy Area".

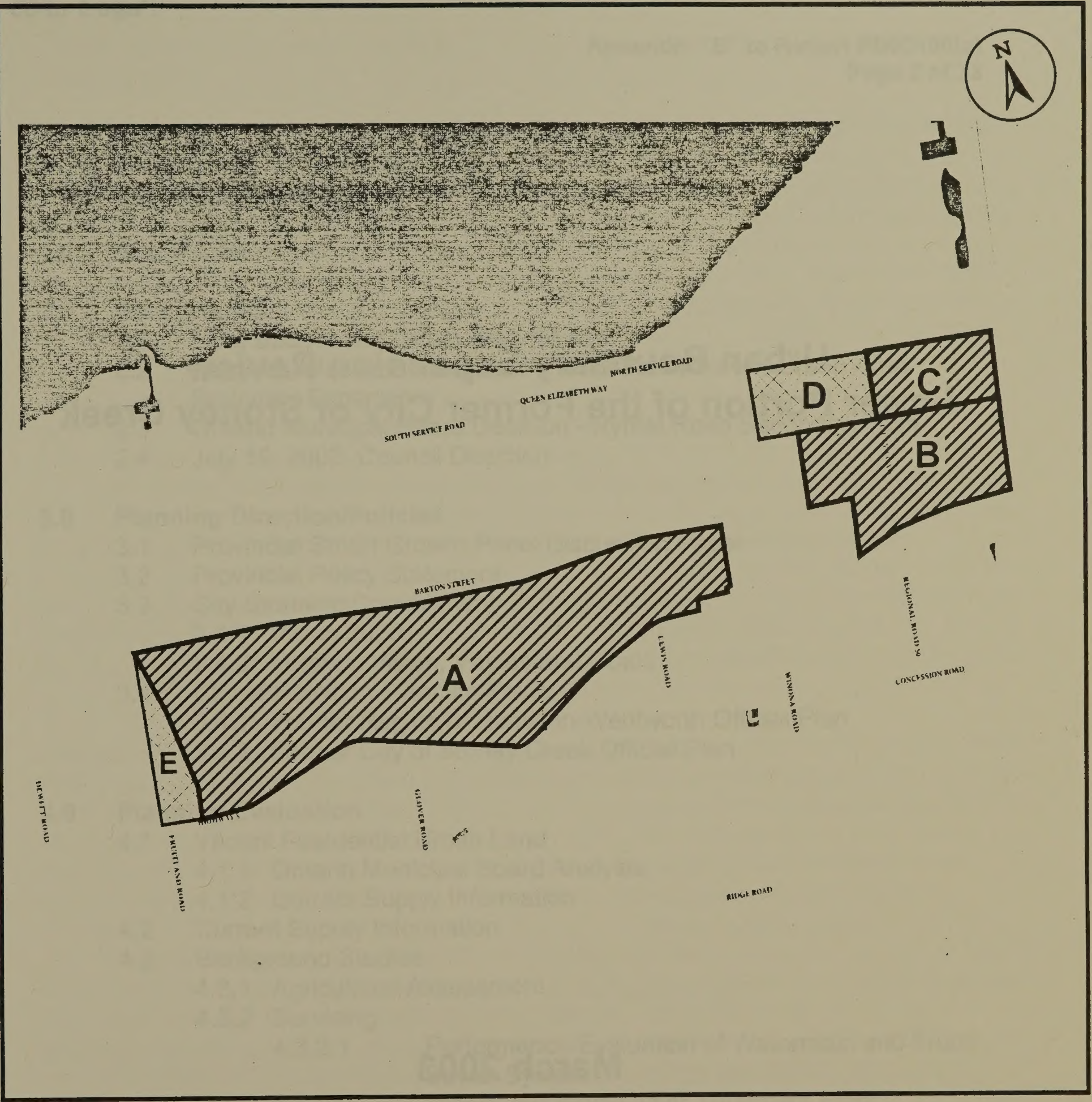
ii. Re-designate the lands shown as Areas A, B, C, D, and E, as shown in Appendix "A" to Report PD02100(a), to a "Special Policy Area", which permits development in the study area subject to Secondary Planning being completed for the entire study area.

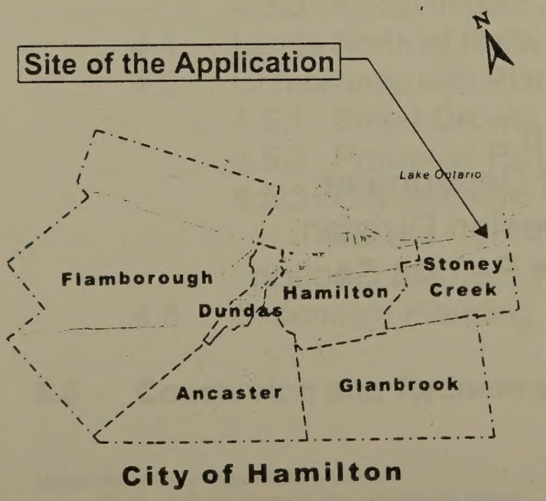
(c) That staff be directed to prepare the Official Plan Amendments and:

i. Hold a public open house to review the proposed Amendments with the public.

ii. Report back to Council through the June 18, 2003, Hearings Sub-Committee with a report implementing the above Official Plans Amendments.

:af
Attach. (2)


N
NORTH SERVICE ROAD
QUEEN ELIZABETH WAY
SOUTH SERVICE ROAD
BARTON STREET
A
B
C
D
E
LEWIS ROAD
WINONA ROAD
REGIONAL ROAD 50
CONCESSION ROAD
DEWITT ROAD
FRUITLAND ROAD
GLOVER ROAD
HIGHWAY
RIDGE ROAD


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

Urban Boundary Expansion Lower Stoney Creek

▨ **Study Area**

⬚ **Lands Adjacent to Study Area**

1. Redesignate Areas A, B, C from "Rural Area" to "Urban" - Regional Official Plan
2. Redesignate Areas A, B, C from "Agricultural" to "Urban Policy Area" in former Stoney Creek Official Plan
3. Add Areas A, B, C, D and E as Special Policy Area to former Stoney Creek Official Plan

Hamilton

Filename/number
PD02100(a)

Date
March 31, 2003

Map Not to Scale

Appendix "A"

Urban Boundary Expansion Review
Lower Portion of the Former City of Stoney Creek

March 2003

Prepared by:

City of Hamilton
Planning and Development Department,
Long Range Planning and Design Division,
Official Plan and Zoning By-law Reform Section

Table of Contents

Executive Summary

1.0 Study Area

2.0 Background
- 2.1 Land Budget and Urban Area Review
- 2.2 Hamilton-Wentworth Regional Official Plan Review: Urban Area Boundary Expansion
- 2.3 Ontario Municipal Board Decision - Rymal Road Secondary Plan
- 2.4 July 19, 2002, Council Direction

3.0 Planning Direction/Policies
- 3.1 Provincial Smart Growth Panel Discussion Paper
- 3.2 Provincial Policy Statement
- 3.3 City Strategic Commitment
  - 3.4.1 Vision 2020
  - 3.4.2 Mission, Vision, Values and Goals
- 3.4 City of Hamilton Planning Policy
  - 3.4.1 Former Region of Hamilton-Wentworth Official Plan
  - 3.4.2 Former City of Stoney Creek Official Plan

4.0 Planning Evaluation
- 4.1 Vacant Residential Urban Land
  - 4.1.1 Ontario Municipal Board Analysis
  - 4.1.2 Current Supply Information
- 4.2 Current Supply Information
- 4.3 Background Studies
  - 4.3.1 Agricultural Assessment
  - 4.3.2 Servicing
    - 4.3.2.1 Performance Evaluation of Watermain and Trunk Sewer System
    - 4.3.2.2 Woodward Wastewater Treatment Plant
  - 4.3.3 Fiscal Impact Study
- 4.4 Lands North of Railway and South of South Service Road
- 4.5 Compliance with Planning Policies
  - 4.5.1 Smart Growth Directions
  - 4.5.2 Provincial Policy Statement
  - 4.5.3 City Strategic Commitment
    - 4.5.3.1 Former Region of Hamilton-Wentworth Official Plan
    - 4.5.3.2 Former City of Stoney Creek Official Plan
- 4.6 Secondary Planning

5.0 Conclusion and Recommendations

EXECUTIVE SUMMARY

As part of the 5-year review of the former Region of Hamilton-Wentworth Official Plan (1999), staff considered the issue of Urban Boundary expansion. In anticipation of this 5-year review, the former City of Stoney Creek undertook an analysis of that City's Urban land needs. Staff analyzed the existing supply of vacant residential Urban lands within the Region and determined that there was a need for the designation of additional Urban lands.

Council approved the ROPA No. 9 Urban Boundary expansion along with directing staff to consider the Lower Stoney Creek study area for Urban Area expansion. Due to the appeal of the ROPA No. 9 decision, consideration of the Lower Stoney Creek lands could not proceed as it could prejudice the Ontario Municipal Board hearing.

In 2001, the Ontario Municipal Board issued a decision that established the City of Hamilton would remain deficient of approximately 242 ha (600 acres) of land to accommodate the Official Plan's 20 year population projection, after designating the ROPA No. 9 lands as Urban. At its July 19, 2002 meeting, Council directed staff to consider the Lower Stoney Creek lands for an Urban Boundary expansion to address the deficiency.

Staff was directed to undertake three studies on the Lower Stoney Creek lands to determine the appropriateness for the expansion and the impact of the expansion. The studies undertaken were:

- Servicing Performance Evaluation
- Agricultural Impact Study
- Financial Impact Study

Based on the conclusions of these reports, staff recommends:

1. that the subject lands be re-designated to "Urban" within the former Region of Hamilton-Wentworth Official Plan;
    - It should be noted that the lands north of the Railway and south of South Service Road might be affected by the outcome of the Industrial Business Park Study. As a result of this study, these lands could be designated Industrial Business Park and be subject of a further Official Plan Amendment to the former Region of Hamilton-Wentworth Official Plan based on the conclusions of the Industrial Business Park Study.
2. that the subject lands be re-designated to "Urban Policy Area"; and,
3. that the Study Area be designated as a "Special Policy Area" within the former City of Stoney Creek Official Plan.

The Special Policy Area requires Secondary Planning to be completed for the entire study area prior to development occurring. A comprehensive land use planning process will provide for the determination of need and the appropriate location for the various land uses (including but not limited to commercial, parks, schools, higher density residential, etc.) within the subject lands.

Areas to be included within the Special Policy Area beyond the study area would include:

a. the lands on the west side of Fifty Road fronting South Service Road not within the Urban Policy Area of the former City of Stoney Creek Official Plan; and,
b. the lands on the east side of Fruitland Road between Highway No. 8 and Barton Street, west of the Fruitland Road By-pass and within the Urban Policy Area of the former City of Stoney Official Plan.

Secondary Planning is considered important for the lands at the Fifty Road interchange as this is a highly visible entry point to the City of Hamilton and design guidelines should be established to provide for a co-ordinated building design and landscaping in this area.

The Lower Stoney Creek study area is an anomaly. It is rare to find another Rural area that is fully serviced. The City of Hamilton provides ongoing maintenance for these services that are under-utilized. While the services are used by the residential, commercial and institutional uses in the study area, the majority of the land within the drainage area is either vacant, under hobby or commercial agricultural operations and not utilizing the services. The municipal services are not being efficiently used.

Based on the Ontario Municipal Board Hearing and the designation of the Rymal Road Secondary Plan Area as Urban, there is a deficit of approximately 240 ha (600 acres). Following the Ontario Municipal Board hearing, more detailed study has been completed on the inventory of vacant residential lands in the City of Hamilton. Based on this additional work, there remains a current urban residential land supply of approximately 18 of the 20 year planning horizon. The deficit of the 2 years supply represents approximately 225 ha (555 acres) of residential land (based on CMHC Housing Starts), which is generally consistent with the size of the study area (240 ha) as the entire study area will not be developed for residential purposes (e.g. parks, schools, commercial, etc.).

Approval of these Official Plan Amendments will provide for an interim Urban Boundary expansion, to meet the needs related to the City's current population projections.

1.0 STUDY AREA

The study area consists of the non-urban designated lands, within the former Region of Hamilton-Wentworth Official Plan, located below the escarpment and north of Highway No. 8 in the former City of Stoney Creek (as shown in Appendix 1, being Areas A, B and C). The study area, bisected by the Winona Urban Area, can be described in two parts as follows:

Area A	Bounded by generally Fruitland Road (actual Fruitland Road By-pass), Highway No. 8, western limits of Winona and Barton Street.
Areas B & C	Bounded by the eastern limits of Winona, Highway No. 8, Railway (west of Fifty Road), South Service Road (east of Fifty Road) and the City limits.

Area C is currently subject of review as part of the industrial Business Park study.

The subject lands are utilized for various land uses including residential, commercial, agricultural, institutional and vacant.

There are other lands abutting the study area that should be considered within this review. As shown in Appendix 1, the additional areas are:

Area D
- Bounded by Winona Road, CN Railway, Fifty Road and South Service Road
- While this land is outside the study area, the subject lands are designated as Industrial Business Park within the former Region of Hamilton-Wentworth Official Plan. The lands are outside the Urban Policy Area within the former City of Stoney Creek Official Plan.

Area E
- Bounded by Fruitland Road, Highway 8, Fruitland Road By-pass (limits of former City of Stoney Creek Urban Policy Area), Barton Street.
- While this land is within the Urban Policy Area of the former City of Stoney Creek Official Plan, the development of this land is tied to the development of the abutting study area.

2.0 BACKGROUND

The need for an Urban Boundary expansion at this time, arises from the 5 year review of the Regional Official Plan, is based on the Ontario Municipal Board decision of 2001, and on the information and analysis of land supply issues undertaken since the OMB decision.

2.1 Land Budget and Urban Area Review

In 1999, the City of Stoney Creek undertook a review of their existing Urban Land supply. Consideration of the former City of Stoney Creek population projections and analysis of the existing Urban lands resulted in the preparation of the "Land Budget & Urban Area Review". This report analyzed several growth options, one of which was similar to the study area of this report. The Land Budget report did not include the lands east of Fifty Road to the City Limits.

The recommendations of the Land Budget report supported the expansion of the Urban Area in Stoney Creek to include all the non-Urban designated lands located north of Highway No. 8 and between Fruitland Road and Fifty Road. The report also concluded that given the strong demand for industrial lands, the land fronting South Service Road, east of Fifty Road, be reserved for the long term industrial needs of the former City of Stoney Creek.

The Land Budget and Urban Area Review conclusions were presented to the former Region of Hamilton-Wentworth Council in 1999. Council took no action on the report.

2.2 Hamilton-Wentworth Regional Official Plan Review: Urban Area Boundary Expansion

As part of the 5-year former Regional Official Plan Review staff reviewed the Lower Stoney Creek area. Staff stated, in a report to Council (PDR99011(C)):

"The Provincial Policy Statement and Official Plan Policy C.3.1.2.3 provides guidance on assessing expansions to the existing Urban Area boundary. Based on an evaluation of the individual Urban Area expansion proposal's context, there is merit for adjusting the Urban Area boundary to include the Winona-Fruitland and Winona North-East Planning Districts compromising approximately 240 hectares on the following basis:

- *the need for additional Urban Area lands to accommodate future residential growth has been documented within Background Paper #3;*
- *the lands are located adjacent to an existing employment node (Stoney Creek Business Park) and residential neighbourhoods to the west and east;*

> - *the lands represent a logical extension and in-filling of the existing Urban Area boundary;*
> - *the lands can be readily served by public transit;*
> - *the lands are very close to two interchanges with the Queen Elizabeth Way highway and there are no constraints with the major transportation infrastructure; and,*
> - *most of the servicing infrastructure, i.e. storm and sanitary sewers and piped water, is already established, thus minimizing future capital expenditures.*
>
> *One key concern that requires further consultation is that these lands are "Prime Agricultural Lands" and portions of these lands are identified as "Speciality Crop Area." With the exception of the Pleasant View lands in the Town of Dundas shown on Map 1, all of the Urban Area expansion proposals involve "Prime Agricultural Lands". However, due to the planning policy and engineering and transportation constraints evident for the other Urban Area boundary expansion proposals, these other lands cannot be considered as a "reasonable alternative" to the Stoney Creek lands in the context of the Provincial Policy Statement and Official Plan Policy C.3.1.2.3. Notwithstanding, it would be appropriate to liase with the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) on this proposed expansion of the Urban Area boundary.*
>
> *It was noted in Background Paper #4 that a performance evaluation of the water main and trunk sewer system should be undertaken for the Stoney Creek lands due to the age of the system and the overall land gradient. It would be prudent to undertake this performance evaluation prior to a formal amendment of the Urban Area boundary designation. The evaluation should be undertaken in the context of the long-term required capital and operating cost expenditures that would be incurred by the new City of Hamilton for these lands."*

From this report, staff provided recommendations to Council, including:

> *"(iii) as a third priority, that consideration be given to adjust the Urban Area boundary of the Hamilton-Wentworth Official Plan to include the Winona-Fruitland and Winona North-East Planning Districts of the City of Stoney Creek, identified on Map 1 attached to Report PDR99011(C), subject to:*
>
> *(1) Discussions with Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) on the matter of Speciality Crop Areas/Prime Agricultural Lands;*
> *(2) A performance evaluation of the existing water main and trunk sewer system; and,*
> *(3) A review of the long-term required capital and operating cost expenditures that would be incurred by the new City of Hamilton for these lands to be included within the Urban Area boundary."*

Council approved the ROPA No. 9 Urban Boundary expansion along with directing staff to consider the Lower Stoney Creek study area for Urban Area expansion. Due to the appeal of the ROPA No. 9 decision, consideration of the Lower Stoney Creek lands could not proceed as it could prejudice the Ontario Municipal Board hearing.

2.3 Ontario Municipal Board Decision - ROPA No. 9

The former Region of Hamilton-Wentworth undertook a review of the Regional urban land needs in 1999. Evidence was presented to the Ontario Municipal Board (OMB) regarding population projections and the land supply calculations indicating a need for additional Urban designated lands. The OMB reviewed this in detail and decided that additional Urban designated lands were required to be designated to meet the 20-year population projections for the former Region of Hamilton-Wentworth. Specifically, the OMB wrote in its decision (Decision/Order No. 0610):

> "On all the planning and economic evidence presented, the Board finds that it is reasonable to expect a need for additional residential lands, not presently designated, in the order of 405 hectares (1,000 acres), plus or minus a contingency of 10 percent, before the year 2021."

The OMB then proceeded in the hearing to designate the lands located south of Rymal Road between Trinity Church Road and Swayze Road, in the former Township of Glanbrook, to be an appropriate location for an Urban Boundary Expansion (ROPA 9, LOPA 36). Of the 405 ha (1,000 acres) of land required to meet the 20-year population projections, the ROPA No. 9 lands represent approximately 190 ha (400 acres) of land. A deficit of land remains to meet the 20-year population projections for the City of Hamilton. The need for additional Urban lands is not discussed in this report as the OMB decision has ruled on this issue.

2.4 July 19, 2002, Council Direction

Based on the work that was completed by the former City of Stoney Creek, former Region of Hamilton-Wentworth and previous Regional Council directions, staff provided a recommendation to City Council. At its meeting of July 19, 2002, City Council directed staff to:

> "Complete the required studies for the agricultural, servicing and financial matters to determine the appropriateness of expanding the urban boundary to included the non-urban lands east of Fruitland Road to Fifty Road and north of Highway No. 8 and that staff report back to Committee of the Whole by Spring 2003 on the outcome of those studies."

3.0 PLANNING DIRECTIONS/POLICIES

As part of any review for an Urban Boundary Expansion, current Provincial direction along with relevant Provincial and municipal Planning Policy must be considered.

3.1 Provincial Smart Growth Panel Discussion Paper

It is anticipated that the recommendations resulting from the "Smart Growth" discussions will lead to revisions to the Provincial Policy Statement, which is currently under review. Key "Smart Growth" objectives that are relevant to this study, found in *"Strategic Directions for a Central Ontario Smart Growth Strategy - Draft for Public Consultation"*, include the following:

- *"The priority action is to attract and direct balanced growth (a balance of jobs and people) within existing urban areas and to support compact development. This will optimize existing infrastructure, reduce pressure on rural areas, and ensure that communities will over time become more transit supportive.*
- *The Panel recommends that a priority be placed on optimizing existing infrastructure, both soft and hard (e.g. water, wastewater, institutions, services and tourism) in order to accommodate expected growth in the most efficient manner.*
- *Target public investment to lead the development of mixed use, higher density urban nodes linked by corridors of efficient transit/transportation service and supportive land uses."*

3.2 Provincial Policy Statement (PPS)

The PPS provides direction when considering Urban Boundary expansions. Policies within the PPS provide policies dealing with the re-designating of Prime Agricultural Lands (sections 1.1.1, 2.1.3), providing approved and designated lands over a 20-year planning horizon (sections 1.1.2, 1.2.1), and efficiently utilize the land supply that is available and proposed (section 1.1.2). Each of these polices are reviewed with respect to the study area below in Section 4.0 - Planning Evaluation.

It should be noted that the PPS is currently under review by the Province of Ontario. At present, the City of Hamilton shall plan for a 20-year planning horizon.

3.3 City Strategic Commitment

The City of Hamilton has adopted commitments to the ongoing operation and development of the City as whole. The "Mission, Vision, Values and Goals" provides a Council adopted strategic direction for the City of Hamilton. Vision 2020 is a Council adopted strategy on maintaining the City of Hamilton as a Sustainable Community.

3.3.1 Mission, Vision, Values and Goals

Within this report, the following excerpts from the Mission, Vision, Values and Goals should be adhered to:

> *"1.1 Our Values*
>
> *Fiscal Accountability: to increase the efficiency of our city government through fiscal responsibility and prudence"*
>
> *"1.2 Our Goals*
>
> *5. A City That Spends Wisely and Invests Strategically*
>
> *To get the best value for taxpayer dollars, and to ensure that we have the financial resources available to invest in our economic development and other community priorities, Council commits to increase the efficiency of our city government."*

3.3.2 Vision 2020

The City of Hamilton has adopted Vision 2020 as a strategic document to guide the City towards a Sustainable Community. Consideration of the policies of Vision 2020 must be considered in any Urban Boundary Expansion review.

3.4 City of Hamilton Planning Policy

Until a new Official Plan is completed, the amalgamated City of Hamilton must rely on the former municipal Official Plans for planning policy direction. Table 1 outlines the current designations associated with the Study Area.

Table 1
Study Area - Planning Designations

Study Area	Region of Hamilton-Wentworth Official Plan	City of Stoney Creek Official Plan
Area A **West of Winona Urban Boundary**	Rural Area Prime Agricultural Lands Speciality Crop Areas	Agricultural Pockets of: Institutional Highway Commercial General Commercial Open Space
Areas B & C **East of Winona Urban Boundary**	Rural Area Speciality Crop Lands	Agricultural

3.4.1 Region of Hamilton-Wentworth Official Plan (ROP)

The former Region of Hamilton-Wentworth Official Plan establishes policies, which are to be considered when evaluating any Urban Boundary expansion request. Section 3.1.2.3 outlines criteria to be reviewed with any Urban Boundary expansion proposal which include need, mix of housing, environmental impact, loss of prime agricultural lands, social impact, availability of municipal services and costs to the municipality. Each of these polices are reviewed with respect to the study area below in Section 4.0 - Planning Evaluation.

3.4.2 Former City of Stoney Creek Official Plan

The former City of Stoney Creek Official Plan provides Staging of Development policies, which establish the existing Urban Policy Area as the Stage 1 area for development. No further stages within or outside the Urban Policy Area have been established. Policies also establish the development of lands through Secondary Planning as well as provide detailed issues to be reviewed within the Secondary

Planning process. The policies of the Stoney Creek Official Plan will be discussed within the Section 4.0 - Planning Evaluation.

4.0 PLANNING EVALUATION

The purpose of this section is to review the existing data (i.e. land supply), conclusions of the background studies and existing planning policy framework, and their effect on the a potential expansion in Lower Stoney Creek.

4.1 Vacant Residential Urban Land

To understand the need of Urban designated lands to meet the population projection, information must be assembled on the existing supply within the City of Hamilton.

4.1.1 Ontario Municipal Board Analysis

Under Section 1.1 Developing Strong Communities, the Provincial Policy Statement (PPS) sets out the time horizons municipalities shall plan for in advance. The Ontario Municipal Board found that:(Decision/Order No. 0610, PL010189):

> *"It was uncontested that the City is now at a point of having a residential land supply of approximately 16.5 years, well within the uncontested appropriate 20-year planning timeframe."*

As outlined above in Section 3.2, the decision by the Board is that there was a shortage of 405 ha (1,000 acres), plus or minus a contingency of 10 percent, of land to support the 20-year population projections. Approximately 190 ha (400 acres) of additional Urban land was designated in the ROPA No. 9 by the Board.

4.1.2 Current Supply Information

Since the ROPA No. 9 discussions, Long Range Planning and Design Division has undertaken detailed, GIS based, research to determine the supply of vacant residential land within the City of Hamilton. The research completed provides a breakdown of all vacant residential lands within the City of Hamilton, which are registered (but vacant), draft approved, pending and lands (no plan) within the Urban Area but have yet to be subject of a development application.

Based on this information, Table 2 was created to calculate the supply of vacant residential land available in the City of Hamilton:

Table 2
Residential Vacant Lands - Supply
City of Hamilton
(As of December 31, 2002)

	Singles/Semi's	Row	Apartments	Total
Registered	1,458 units	816 units	826 units	
Draft Approved	3,746 units	1,619 units	326 units	
Sub-Total	5,204 units	2,435 units	1,152 units	8,791 units
CMHC Absorption	1,156 units/yr.	501 units/yr.	138 units/yr.	2036 units/yr.
Years Supply	4.5 years	4.9 years	1.9 years	4.3 years
Pending	2,745 units	1,821 units	262 units	4,828 units
Additional Supply	2.4 years	3.6 years	1.9 years	2.4 years
Total Urban Lands	25,421 units	8,002 units	3,161 units	36,584 units
Years Supply	**22.0 years**	**16.0 years**	**22.9 years**	**18.0 years**

* Absorption Rates are based on information obtained from the Canada Mortgage and Housing Corporation, "Housing Starts" reference material. Total yearly absorption of 2,036 units per year, is based on averaging CMHC information from 1990 to 2001.

Based on the yearly average absorption of 2,036 units per year, the 2-year deficit of residential land for the 4,072 units, assuming a gross density of 18 uph, the result would be a shortfall of approximately 225 ha (555 acres).

As will be discussed below, the Lower Stoney Creek study consists of approximately 400 ha of total land of which the developable portion of these lands being approximately 240 ha.

4.3 Background Studies

At its meeting of July 19, 2002, Council directed staff to consider the Lower Stoney Creek Area to accommodate an interim Urban Boundary Expansion. Specifically, the following direction was given to staff;

> "Complete the required studies for the agricultural, servicing and financial matters to determine the appropriateness of expanding the urban boundary to included the non-urban lands east of Fruitland Road to Fifty Road and north of Highway No. 8 and that staff report back to Committee of the Whole by Spring 2003 on the outcome of those studies."

Based on this direction, staff retained consultants to complete the required studies.

4.3.1 Agricultural Assessment

The Provincial Policy Statement recognizes Speciality Crop Lands and provides direction for the protection of these lands. The Regional Official Plan has policies, which provide direction to preserve these lands as well. Staff recognizes the similar merits in preserving agricultural lands. Previous study by the former City of Stoney Creek and the former Region of Hamilton-Wentworth suggested the Lower Stoney Creek area be considered for Urban Boundary Expansion. In determining the appropriateness of the study area for agriculture, staff determined that an agricultural specialist should undertake a review of the lands.

Staff retained Michael Hoffman, AgPlan Limited, to undertake an Agricultural Assessment Study. The objectives of this study were as follows:

- Assess the agricultural characteristics of lands in Lower Stoney Creek which are proposed for urban expansion and located within the City of Hamilton;
- Determine the overall capability and long-term viability of commercial agricultural production within the study area;
- Determine the potential of returning the study area lands to agricultural production;
- Determine the degree of non-farm intrusion within the study area and the impact of the intrusion on long-term agricultural operations;
- Identify potential mitigation measures for lands to remain an agricultural use within the urban boundary; and,
- Characteristics of agriculture, which relate to the planned use of agricultural lands generally, and which provide context to the use of the proposed urban expansion area.

AgPlan Limited concluded in their report, "Agricultural Assessment for Lower Stoney Creek in the City of Hamilton" (March 2003) the following:

- *"The proposed Lower Stoney Creek urban expansion area currently has a relatively low potential for speciality crop production.*
- *The soil capability of the former Regional Municipality of Hamilton-Wentworth is relatively lower when compared to the average capability of agricultural lands in other Counties or Regions in Central to Southern Ontario.*
- *While soil capability is relatively lower by comparison to other Counties and Regions, average soil capability in Hamilton is still in the prime category. Therefore, there are no reasonable urban expansion area alternatives, which avoid prime agricultural soils in the City of Hamilton.*
- *Active agricultural uses, including speciality crop production, are not predominant within Lower Stoney Creek.*
- *The close proximity and amount of urban development increases the probability of conflict over dust, noise, traffic, pesticide application and water use related to agriculture.*
- *Significant differences in agricultural activity and agricultural potential are present within the different Street Blocks in the Study Area.*
- *Full agricultural capability as well as potential can only be reached after the application of drainage and irrigation.*
- *The cost of drainage and irrigation will be relatively high in the context of agricultural gross farm receipts."*

In conclusion, while there are areas of commercial agricultural production and pockets of speciality crop lands within the Study Area, the long term agricultural production within the study area cannot be maintained based on the current conditions.

To bring the area back to commercial agricultural production will require significant investment in the form of drainage, both from the farmer and the municipality, as well as investment into irrigation. The use of the existing municipal water is not an economically feasible option for the latter. Due to historic property fragmentation and the development of incompatible land uses, the municipality would be required to spearhead a common irrigation facility (i.e. pond) which would be utilized by the farmers who would have direct piped access to this facility. Limitations would also exist in many parts of the study area requiring a potential farmer to assemble several properties to permit the investment into the lands for an agricultural operation.

Public Works retained Philips Engineering to complete a report "Stormwater Quality, Management Strategy, Community of Stoney Creek - Master Plan", for the former City of Stoney Creek lands. Within this report, the locations for future storm water Facilities have been determined and several are located within the study area. These facilities are designed to handle the storm flows of water through the study area, which means that these facilities only have water in the facility under certain rainfall conditions. Even if these facilities were designed to accommodate water storage, intent on solving the irrigation issue, these facilities are located at the downstream end of the study area, which would require pumping versus gravity flow to transfer the water to the farms.

The Ontario Ministry of Agriculture reviewed a draft of the AgPlan study.

4.3.2 Servicing

While services exist in the study area, consideration must be given to the capacities and conditions of these pipes as well as the impact at the end of the pipe at the treatment plant.

4.3.2.1 Performance Evaluation of Watermain and Trunk Sewer System

Public Works retained Aquafor Beech Limited to undertake a planning (i.e. theoretical servicing needs by land use versus observed actual servicing use) level trunk watermain and sanitary sewer servicing analysis for lands being considered for urban boundary expansion for the study area. The servicing analysis identifies trunk infrastructure requirements, dependencies, costs and timing associated with the Stoney Creek urban boundary expansion; the analysis is intended to assist staff with Secondary Plan review and development proposal submission assessment.

The Aquafor Beech Limited report, "Water Distribution & Wastewater Collection Analysis, Urban Boundary Expansions - City of Hamilton (former City of Stoney Creek)" (January 10, 2003) concluded the following:

- **Water Distribution** - there is no cost associated with the water distribution system for the proposed Urban Boundary Expansion (UBE). The existing watermains are adequately sized and system pressure is adequate to accommodate the water servicing needs of the UBE.

- **Wastewater Collection** - a 1020 metre extension of the trunk sewer system at an estimated cost of $600,000 is required from Winona Road across to Fifty Road to provide service to the east portion of the UBE. The existing sewers in the UBE lands are adequately sized to accommodate sewage collection needs of the UBE.

- **Wastewater Treatment** - the Woodward Wastewater treatment plant can accommodate the additional flows of the UBE under dry weather conditions. However the impact during wet weather needs to be considered in consultation with Water Quality Section's wet weather management strategy.

4.3.2.2 Woodward Wastewater Treatment Plant

Public works staff has reviewed the study area and servicing requirements for the study area based on the population projections. The Woodward Wastewater Treatment Plant does not have the current capacity to accommodate the entire study area. However, Public Works has a work plan in place to provide for the incremental capacity improvements, which will provide capacity based on the historical growth rates for the City. Capacity is also dependent on the other factors such as growth patterns throughout the City of Hamilton.

Public Works have commented as follows:

> *"Public Works is leading important efforts, both planned and ongoing, that will ensure the provision of adequate wastewater servicing at the Woodward Wastewater Treatment Plant (WWTP). The City of Hamilton WINS (Wastewater Investment Needs and Strategies) initiative will plan and implement wastewater infrastructure upgrades to reduce pollutant loadings entering Hamilton Harbour and meet future development needs at the WWTP. Some of the key projects under the WINS umbrella are highlighted below:*
>
> - *Optimization studies at the Woodward WWTP will be initiated in 2003, to identify potential operational improvements and minor capital, that will treat additional flows to a higher level, using the existing infrastructure more efficiently. Through optimization work, some wastewater treatment plants are successfully re-rated by the Ministry of the Environment, and the additional capacity is gained at a fraction of the cost of a plant expansion.*
> - *The recent headworks expansion and the planned primary/wet weather treatment expansion will significantly address problems associated with wet weather flows at the Woodward WWTP. Due to the combined sewer system, during heavy storm events flows exceed the dry weather capacity and result in untreated bypasses into Hamilton Harbour. The planned primary expansion to double the peak capacity will be beneficial to water quality and ensure that any increased flows due to development do not compromise the plant capacity and ability to treat wet weather flows.*
> - *The City's capital budget contemplates the need for various improvements and/or expansions that will be defined under WINS for the Woodward WWTP, with $150M tagged over the next 10 years."*

It should be noted that a portion of the planned $150 million in improvements and/or expansions to the Woodward Wastewater Treatment Plant would be allocated to growth and as a result would be included within the current Development Charge Review.

The result of the above noted improvements is that phasing of development may be required to co-ordinate with the timing of development and with the timing of the Woodward Wastewater Treatment Plant improvements. The Secondary Planning exercise will provide a more detailed review of the land use break down for the study area which will refine the servicing capacity requirements and identify any required phasing for the development of the Lower Stoney Creek lands.

4.3.3 Fiscal Impact Study

Staff retained the firm of Hemson Consulting Ltd. to undertake a Fiscal/Economic Impact Study to determine the long-term financial impacts of the Urban Boundary Expansion to the City of Hamilton, both for the capital and operating costs. Estimated costs are associated with the entire build-out of the study area although it is anticipated that demand for the improvements will evolve over the years of development within the study area. The timing of development in the study area is based on applications being brought forward, land assembly and market conditions.

Based on a generalized development concept for the study area, analysis was undertaken to review all City capital and operating costs which may be affected by the expansion of the Urban Boundary on the subject lands. These are preliminary numbers are based on high-level land use breakdowns. Some assumptions (i.e. residential unit-type breakdown, commercial coverage, new subdivision road lengths and related services, etc.) were necessary given that Secondary Planning has not been completed and final land uses as well as population projections for the study area are not known.

There are currently deficiencies in service levels for the existing population below the escarpment, within the former City of Stoney Creek. Investment by the City is required to upgrade services, notwithstanding the increase in population proposed for the study area. As an example, there is an identified need for a new 70 - 100 acre Community Park to serve the current residents below the escarpment. The additional population projection for the study area would not require an additional Community Park as the needs of the new population could be accommodated within this park. Similarly, this analysis holds true for fire, police and libraries where operating costs will increase but capital expenditure in new facilities would not increase.

The report determines that, at build-out of the study area, capital expenditures are forecasted as $29.95 million. Of this amount, $23.9 million are identified as capital works, which are covered by development charges. The remaining $6.05 million will be required from the tax levy.

The Hemson Consulting Ltd. report "Fiscal Impact Assessment - Lower Stoney Creek" (March 2003) concludes the following:

> *"The Urban Boundary expansion is estimated to have a net benefit to the City. For tax supported services the net annual benefit is forecast to be $3,047,000 at build-out, after providing for capital financing costs for the City's share of required capital works of $862,000. For rate supported services the net benefit is estimated at $1,130,000. The overall benefit to the City of Hamilton is therefore forecast at $4,177,000.*
>
> *The large net benefit to the City can be attributed partially to the fact that the area is already serviced in terms of major infrastructure for water and waste water. The area also does not require the construction of new capital facilities for fire, police, libraries and recreation. However, when growth is considered elsewhere within the City, new facilities may be required. A portion of the net operating costs associated with such facilities will result from growth in the Urban Boundary Expansion area, and therefore will reduce the net benefit."*

This fiscal analysis and net benefit can be reviewed and refined once the Secondary Planning has been completed. However, the overall benefit of the existing servicing infrastructure in the study area provides the most significant benefit and will not be altered through Secondary Planning.

Also, as part of this report, the local school boards were contacted and each of the boards will require an additional elementary school in the study area to accommodate the students from both of the existing population as well as the new population.

4.4 Lands North of Railway and South of South Service Road (Areas C & D shown on Appendix 1)

As identified at the outset of this report, there are lands included in this review that are outside the study area (Area D). These lands are also being reviewed as part of the Industrial Business Park study.

Table 3 outlines the location of these lands and planning designations associated with these lands.

Table 3 Lands North of Railway		
Area	**Region of Hamilton-Wentworth Official Plan**	**City of Stoney Creek Official Plan**
Area C Bounded by Fifty Road, CN Railway, City Limits and South Service Road	Rural Area	Agricultural
Area D Bounded by Winona Road, CN Railway, Fifty Road and South Service Road	Urban Area Business Park	Agricultural Site Specific Highway Commercial

These lands are included within the Industrial Business Park study because of the Official Plan designations and strategic location along the QEW. The conclusions of this study may provide direction to future land use for these areas. Area C may require re-designation to Business Park within the former Region of Hamilton-Wentworth Official Plan. At this time, the subject lands should be designated as Urban Area notwithstanding these lands may be re-designated to Business Park as a result of the Industrial Business Park study.

Secondary Planning should be considered for these lands based on the location as the easterly entry into the City, visibility from the QEW and implement Design Guidelines to address the development of the lands. The locational characteristics and visibility provide unique issues for consideration for the use of the land. It is anticipated that the Areas C and D would be developed for non-residential uses.

4.5 Compliance with Planning Policies

To consider the Lower Stoney Creek study area for an Urban Boundary expansion, compliance with relevant Provincial directions and existing Planning Policy must be considered.

4.5.1 Smart Growth Directions

Consistent with the Smart Growth directions, the inclusion of the study area within the Urban Area would maintain the intentions of Smart Growth. The study area provides essentially an infill situation between the NEC regulated areas, the Industrial Business Park north of Barton Street and the QEW. The Smart Growth directions of optimizing existing infrastructure and services, as well as to provide communities with the opportunity to become more transit oriented, and provide higher density nodes linked by efficient transportation corridors.

It has been determined that there is a need for additional Urban designated lands and has been ruled on by the Ontario Municipal Board. Given that expansion of the Urban Boundary will occur, the expansion of the Urban Area into the study area does adhere to the directions of Smart Growth. The study area is an anomaly in that it has full servicing infrastructure in place, does not require major transportation infrastructure improvements and provide for greater transit oppourtunities by through the new population and the connection to the existing Winona Urban Area.

Smart Growth requires the balancing of various objectives within the City on making the determination of any Urban Boundary expansion. In this case, the study provides a reasonable location for expansion, which will ultimately result in the loss of Prime Agricultural Lands. Any expansion to the City's existing Urban Area will require the loss of Prime Agricultural Lands.

4.5.2 Provincial Policy Statement

The Provincial Policy Statement provides direction when considering Urban Boundary expansions. Policies to be considered in this review are as follows:

"1.1 Developing Strong Communities

1.1.1 Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted. Accordingly:

c) Urban Areas and rural settlement areas will be expanded only where existing designated areas in the municipality do not have sufficient land supply to accommodate the growth projected for the municipality. Land requirements will be determined in accordance with policy 1.1.2.

The policies of Section 2: Resources, and Section 3: Public Health and Safety will be applied in the determination of the most appropriate direction for expansions. Expansions into prime agricultural areas are permitted only where:

1. *there are no reasonable alternatives which avoid prime agricultural areas; and,*
2. *there are no reasonable alternatives with lower priority agricultural lands in the prime agricultural area."*

Staff Comment:

- The current Official Plans do not define prime versus non-prime agricultural lands resulting in the need to retain an agricultural expert to review the issue further.
- As demonstrated through the Agricultural Impact Assessment, the City of Hamilton's existing Urban Boundary abuts Prime Agricultural lands. There are no opportunities to avoid prime agricultural lands or lower prime agricultural lands with an urban boundary expansion anywhere abutting the existing Urban boundary.
- The Agricultural study also concludes there is not a majority of Speciality Crop Lands within the study area and without government intervention, relating to drainage and irrigation, prospects for long term commercial agricultural operations are limited.

Section 1.1.2 "Land requirements and land use patterns will be based on:" of the Provincial Policy Statement provides policies requiring a 20 year planning horizon be considered. This review was undertaken with the Ontario Municipal Board hearing, which resulted in a decision of requiring 1,000 acres of additional Urban lands to meet the 20-year population projections. This policy was reviewed in Section 1.2 above.

The Provincial Policy Statement states:

"1.1.2 Land requirements and land use patterns will be based on:

b) densities which:

1. *efficiently use land, resources, infrastructure and public service facilities;*
2. *avoid the need for unnecessary and/or uneconomical expansion of infrastructure;*
3. *support the use of public transit, in areas where it exists or is to be developed;*
4. *are appropriate to the type of sewage and water systems which are planned or available; and,*
5. *take into account the applicable policies of Section 2: Resources, and Section 3: Public Health and Safety;"*

Staff Comment:

- The recommended Secondary Planning work program will have regard to the above requirements. The design of the study area will provide for densities, which efficiently utilize the existing municipal services as well as provide opportunities for improved transit.

Section 1.2 Housing, of the Provincial Policy Statement requires the provision of at least a 10-year supply of designated and available residential land and at least a 3-year supply of residential units with servicing capacity in draft approved or registered plans. This policy was reviewed in Section 1.2 above.

Section 2.1.3 of the Provincial Policy Statement, provides policy which permits lands to be excluded from prime agricultural areas where,

> *"a) an expansion of an urban area or rural settlement area, in accordance with policy 1.1.1 c).;*

As a result of the background studies completed and information obtained from other City Departments, the urban boundary expansion addresses the policies of the Provincial Policy Statement as follows:

1. Justification has been provided that there is a need to designate additional Urban lands;
2. Designation of additional Urban lands cannot avoid prime agricultural lands;
3. The study area can be serviced and capacity will be available in the Woodward Wastewater Treatment Plant to accommodate the development; and,
4. Development of the study area through Secondary Planning will provide for densities, which will efficiently utilize the available services and provide justification for any non-residential land use along with appropriate locations to suit the needs of the use.

4.5.3 City Strategic Commitment

Consideration of the City of Hamilton strategic commitment must be considered in the evaluation.

4.5.3.1 Mission, Vision, Values and Goals

Through the research and recommendations found within this report and given that a need to designate additional Urban lands has previously been determined, the recommend expansion area provides a fiscally responsible location based on a net financial benefit to the City of Hamilton, as demonstrated through the Fiscal Impact Assessment.

The study area is serviced along the major roads and has been for many years. The inclusion of the study area in the Urban Boundary will provide a more efficient use of the existing water and sanitary services. The financial impact concluded that the study area can provide a net benefit to the City, at full build out, based largely on the existing servicing infrastructure, whereas these services would need to be constructed if any other areas of the City of Hamilton are considered for expansion.

The study area is accessible through two interchanges with the QEW providing easy access in and out of the area.

The increase in population can provide a better population base to support greater transit opportunities as well as connect the existing Winona Urban Area to transit.

The Urban Boundary expansion into the study area adheres to the directions of the City's Mission, Vision, Values and Goals.

4.5.3.2 Vision 2020

While all the goals of Vision 2020 cannot be adhered, nor all goals can be implemented in every development, the Vision 2020 objectives supported by this recommendation include the following.

- *"To ensure Hamilton has healthy soil and water from which to produce food for our community.*
- *To encourage development which makes efficient and economical use of infrastructure and services.*
- *To minimize the environmental, social, and financial costs of new development to residents of Hamilton-Wentworth*
- *To develop an integrated sustainable transportation system for people, goods and services which is environmentally friendly, affordable, efficient, convenient, safe and accessible.*
- *To ensure public activities and decisions at all levels of government are co-ordinated, effective and easily accessible to all citizens.*
- *Incorporate principles of sustainable development and good community design into development standards and regulations."*

In anticipation of Secondary Planning exercises, the City of Hamilton needs a concerted effort to examine the regulatory and incentive structure for creating sustainable urban development through design.

4.5.4 Municipal Planning Policy

4.5.4.1 Former Region of Hamilton-Wentworth Official Plan

The former Region of Hamilton-Wentworth Official Plan establishes policies, which are to be considered when evaluating any Urban Boundary expansion request. The Regional Official Plan states:

"3.1.2.3 Evaluate any request for expansion of the Urban Area during the five-year review in the context of:

a) the Region-wide need for additional urban designations based on updated population, household and employment projections as per Table 1 and other policies in this Plan;

Staff Comment:

- Based on the information presented at the Ontario Municipal Board hearing held in 2001, the Board accepted the population projections presented by the former Region of Hamilton-Wentworth which demonstrated the need for additional Urban designated lands. The OMB decided that there was a need for an additional 1,000 acres of land to support the population projections. The Rymal Road Secondary Plan lands are approximately 400 acres. The study area represents approximately 600 acres of land.

b) the need for additional urban areas according to the distribution of expected growth between rural and urban areas, and among Area Municipalities as set out in this plan. A ten year planning time frame will be used in conjunction with the supply of vacant residential land within each municipality and the achievement of housing targets;

Staff Comment:

- Contact with the former Municipalities is no longer relevant as the former Region has been amalgamated into a single municipality. However, the City of Hamilton must balance growth within the City as a whole to respond population needs and available infrastructure. The former City of Stoney Creek, through the "Land Budget & Urban Area Review", did provide justification relating to the need for additional urban designated lands below the escarpment.

c) *opportunities for a variety and mix of housing, including high density and mixed uses and the proximity of residential uses to commercial, institutional and industrial service and employment centres and transportation infrastructure;*

Staff Comment:

- With the approval of the Urban Boundary expansion and with the completion of a Secondary Plan for the entire area, opportunities exist for the all land uses to be considered for the study area.

d) *potential environmental impacts and opportunities for enhancement, as may be determined by a sub-watershed plan;*

Staff Comment:

- The Public Works Department has retained Philips Engineering to complete the "Stormwater Quality Management Strategy, Community of Stoney Creek - Master Plan" which provides direction related to new stormwater management facilities for the study area along with watercourse where enhancement can occur as well as key watercourse to be reviewed and enhanced.
- No Environmentally Significant Areas exist in the study area however, the watercourse and forest to the east of Fifty Road is a candidate site currently under review.

e) *loss of prime agricultural land and mineral aggregate extraction opportunities;*

Staff Comment:

- The subject lands are designated as Prime Agricultural Lands and Speciality Crop Lands. No mineral aggregate designations are found within the study area. In regards to loss of Prime Agricultural lands, an Agricultural Assessment was undertaken, which supports the removal of the subject lands from the Prime Agricultural designation.
- Any Urban Boundary expansion abutting the City of Hamilton existing Urban Area will require the loss of Prime Agricultural Lands.

f) *opportunities for the use of intensification within the existing urban boundary, as an alternative to urban boundary expansion;*

4.5.4.2 Former City of Stoney Creek Official Plan

The former City of Stoney Creek Official Plan does not have policy related to criteria for Urban Boundary expansion. The determination of Urban Boundary limits was established through the former Region of Hamilton-Wentworth and the area municipalities would amend their Official Plans to correspond to the Regional Official Plan.

The former Stoney Creek Official Plan does provide direction for the development of lands once included in the Urban Area. Section A - The Land Use Plan of the Official Plan states:

> *"This Land Use Section indicates which areas in Stoney Creek should be set aside for residential, commercial, industrial, rural, open space and other uses. This Section also is designed to ensure that services and utilities are effectively used; major open space, conservation and environmentally-sensitive areas are protected and adequate economic and social opportunities are available and reasonably accessible from residential from residential uses."*

Through the implementation of Secondary Planning for the entire study area, this policy, along with other more specific land uses policies, can be co-ordinated for the study area to ensure that the appropriate need and location for all land uses is considered.

4.6 Secondary Planning

Staff is recommending that within the Official Plan Amendments to implement the Urban Boundary Expansion, Secondary Planning be undertaken for the study area as a whole. The purpose of undertaking this work program for the entire area is to determine the appropriate need and location for a variety of land uses.

The GRIDS process is underway and will provide valuable information relating to the long-term direction for the City of Hamilton. The inclusion of the subject lands may be the last expansion area that can be completed without significant costs from the City of Hamilton relating to provision of adequate infrastructure to accommodate new development. To that end, the development of this study area should be designed to accommodate greater overall densities so that a greater population can be accommodated and the use of existing services can be optimized.

As part of the Secondary Planning work program, it is recommended a review of the following be incorporated into the work program:

a. Servicing Capacity - regard shall be given to the available capacity at the Woodward Wastewater Treatment Plant providing confirmation of capacity available to service the subject lands. Dependant on the results of this analysis, phasing of development may be required for the study area so that development only proceeds when wastewater capacity is available.

b. Retail Market Study - to determine the need, amount and location for commercial uses;

c. Employment Uses - consideration of the lands located along South Service Road, east of Fifty Road for industrial, business or commercial uses. Results of the current Industrial Business Park Study should be incorporated into the Secondary Planning. Area D in Appendix 1, should be considered in the Secondary Planning as this land is currently outside the Urban Policy Area but relevant to the Secondary Planning process;

d. Parks - take into account the need established by the Parks Department for an additional Community Park below the escarpment to service the needs of the existing residents and new residents; and

e. Schools - recognize the need and co-ordinate the location of new elementary schools within the study area.

f. Area E (Appendix 1) - Although already designated Urban, these lands should be included with the Secondary Planning exercise due to the ties to the lands to the east.

g. Design Guidelines - As part of the Secondary Plan process, Design Guidelines should be created to provide for appropriate, consistent and compatible development in the study area.

Upon completion of the Secondary Planning process, the Plan will be implemented through an Official Plan Amendment to the former City of Stoney Creek Official Plan. Once in effect, applications for rezoning and Draft Plans of Subdivision can be considered for the development of the subject lands.

5.0 SUMMARY AND CONCLUSIONS

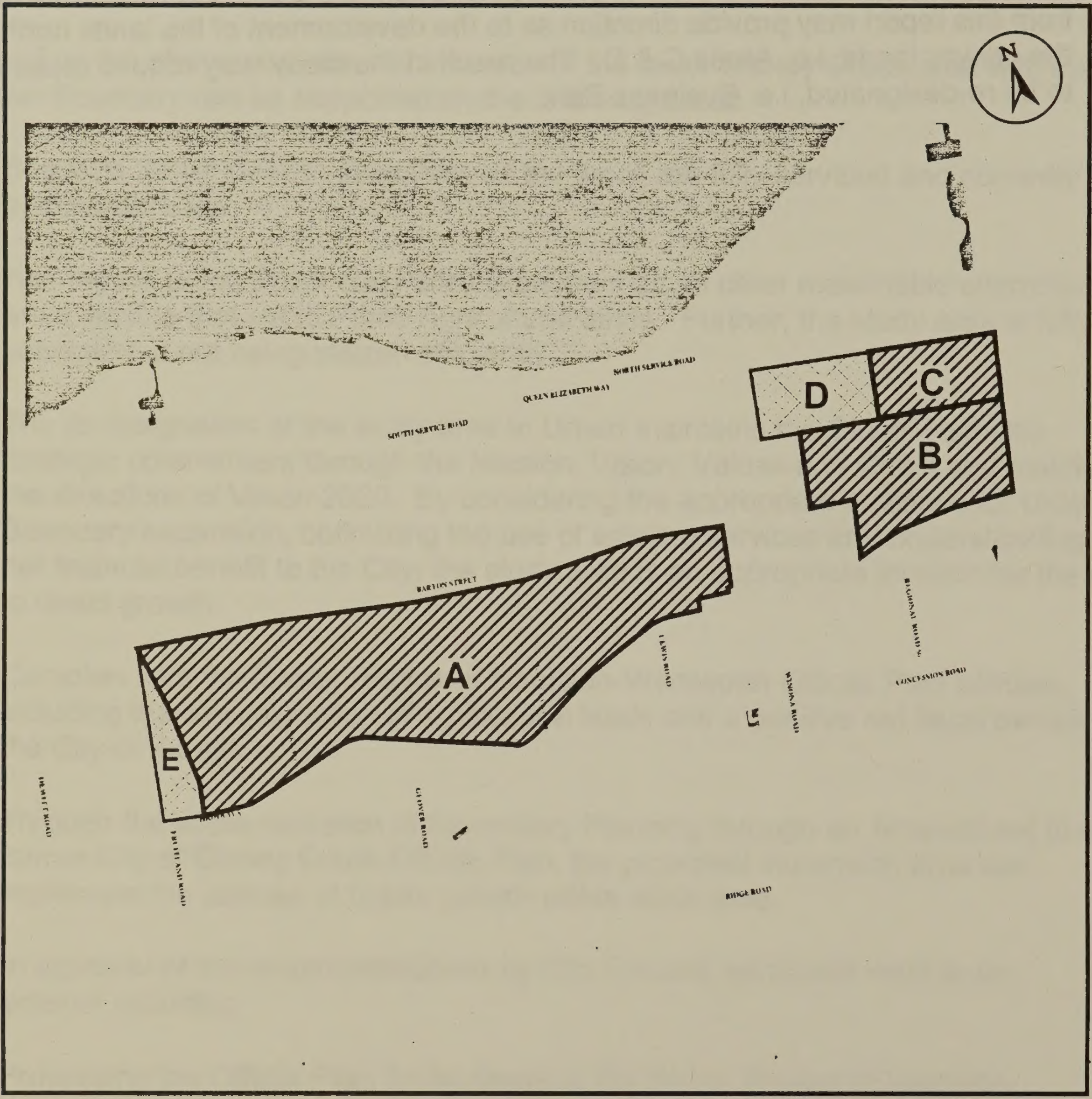
Based on the above analysis, the inclusion of the lower Stoney Creek area with the Urban Boundary can be supported on the following basis:

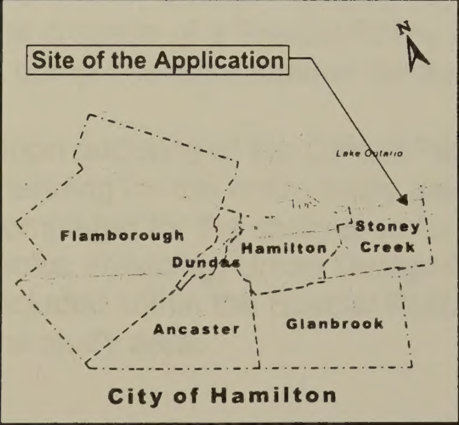
- Supports Smart Growth objectives as the lands are fully serviced and currently not being optimized.
- Has regard to the Provincial Policy Statement as no other reasonable alternatives are available that avoid Prime Agricultural lands. Further, the study area is fully serviced but not being utilized efficiently.
- The re-designation of the study area to Urban maintains the City of Hamilton strategic commitment through the Mission, Vision, Values ~~-~~and Goals and maintains the directions of Vision 2020. By considering the appropriate locations for Urban Boundary expansion, optimizing the use of existing services and understanding the net financial benefit to the City, the study area is an appropriate location for the City to direct growth.
- Complies with the former Region of Hamilton-Wentworth Official Plan policies, including the re-designation of agricultural lands and a positive net fiscal benefit to the City of Hamilton.
- Through the implementation of Secondary Planning through an Amendment to the former City of Stoney Creek Official Plan, the proposed expansion area can implement the policies of Urban growth within study area.

Upon approval of the recommendations by City Council, additional work to be undertaken including:

- Processing the Official Plan Amendment to the former Region of Hamilton-Wentworth Official Plan and the former City of Stoney Creek Official Plan, including the creation of a Special Policy Area to ensure Secondary Planning is completed in a comprehensive manner for the entire study area.
- Upon adopting of the Official Plan Amendments, staff will initiate Secondary Planning for the entire study area. Within this work program evaluation will be completed for the study area for various lands uses including, but not limited to, parks, servicing, Urban Design Guidelines, schools, etc.. Areas D and E are being included within the Special Policy Area due to the development ties of the lands to the study area.

- Through the completion of the Industrial Business Park study, the recommendations from this report may provide direction as to the development of the lands north of the railway lands, i.e. Areas C & D. The result of the study may require these areas to be re-designated, i.e. Business Park.


N
NORTH SERVICE ROAD
QUEEN ELIZABETH WAY
SOUTH SERVICE ROAD
D
C
B
BARTON STREET
A
E
LEWIS ROAD
REGIONAL ROAD 50
WINONA ROAD
CONCESSION ROAD
DEWITT ROAD
GLOVER ROAD
FRUITLAND ROAD
RIDGE ROAD


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

Urban Boundary Expansion Lower Stoney Creek

▨ **Study Area**

▨ **Lands Adjacent to Study Area**

1. Redesignate Areas A, B, C from "Rural Area" to "Urban" - Regional Official Plan
2. Redesignate Areas A, B, C from "Agricultural" to "Urban Policy Area" in former Stoney Creek Official Plan
3. Add Areas A, B, C, D and E as Special Policy Area to former Stoney Creek Official Plan

Hamilton

Filename/number
PD02100(a)

Date
March 31, 2003

Map Not to Scale

Appendix "A"

AFFECTS WARD 2

CITY OF HAMILTON

11.2

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	March 28, 2003 1208-3	**Prepared by:**	Ron Marini, Ext. 4178 Peter Minkiewicz, Ext. 2632

SUBJECT: **Request For Proposal for the Sale and Development of Municipal Property Identified as 87-89 King Street East (PD03086) (Ward 2)**

RECOMMENDATION:

That proposals submitted under Contract C2-11-02-A for the sale and development of 87-89 King Street East be rejected and the development proponents be appropriately notified.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Report PD03086 provides an overview of the Request for Proposal (RFP) for the sale and the development of City property identified municipally as 87-89 King Street East. Two (2) qualified proposals were assessed according to the criteria established within the RFP. The proposals, one by Sal Randazzo, and another by K.K. International, provide development proposals which are generally considered appropriate by a staff review committee however, both proposals fail to provide a proposed purchase price which is considered appropriate given the appraised value of the subject property.

BACKGROUND:

A Request for Proposal for the Sale and Development of 87-89 King Street East was issued through the Purchasing Section of the Corporate Services Department on December 13, 2002. The RFP included appropriate information to assist the development industry in understanding the opportunities associated with the development of the subject site. The subject site is identified on Appendix "A" to Report

PD03086. The Request for Proposal closed on February 14, 2003, with two (2) formal submissions being received and subsequently deemed to be qualified by the Purchasing Section. A total of 30 RFP packages were given out by the Purchasing Section.

The proponents were asked to address issues of conformity with the relevant design and policy documents of the City of Hamilton and to provide a proposed purchase price for the City-owned property. Proposals were also to be assessed according to their impact upon the immediate area in terms of their fit, and potential to serve as catalysts for additional development.

The subject site was acquired in 1996 because the property was in tax arrears. A similar RFP was issued in July of 1998 and did not result in a sale of the subject site. The rationale to dispose of the City-owned property a second time through the RFP process was made on the basis that it would provide the greatest exposure for the asset and thus lead to a greater array of potential interest from the development industry.

The subject site is currently unoccupied and improved by a 1½ storey commercial structure. The existing structure is in need of considerable repair and reinvestment. The property enjoys minimal space at the rear, the rights to which are jointly held by the properties to the east and the west. The property was appraised in January 2002 at a value of $92,000 by Chambers Hall.

ANALYSIS OF PROPOSALS:

Adoption of the above recommendation would result in the City maintaining possession of the property. It should be noted that the City Council may receive and consider any unsolicited offer for the subject site upon conclusion of the RFP procedure.

Proposal Submitted by Sal Randazzo

The proposal and formal submission made by Sal Randazzo is considered appropriate from a development perspective. The development proposal involves adding two (2) additional storeys to the existing building which will be developed for a total of six (6) new residential rental units. The development proponent has also provided satisfactory information regarding past development experience to conduct a risk evaluation of the proposal. The following points summarize the key issues addressed by the proposal:

- Two (2) additional storeys to be added to the existing building.
- GFA of approximately 6000 sq. ft. (exclusive of basement space).
- Proposed completed development project of approximately $275,000.
- Proposed purchase price of $1,000

The proposal successfully demonstrates general conformity with the intent of the Downtown Hamilton Secondary Plan, Official Plan and Zoning By-law. The development proponent has identified limited previous experience in relation to the development of similar projects and is prepared to make an investment in the property equal to 25% of the proposed construction value. The proponent will require additional financing from a lending institution to complete the project.

The proposed purchase price of $1,000 represents a significant variance from the appraised value of the subject site. This large variance in the proposed purchase price from the appraised value is considered inappropriate.

Proposal submitted by K.K. International

The second proposal submitted by K.K. International represents a more complex proposal for the redevelopment of the site in conjunction with adjacent properties. The proposal outline is as follows:

- To add the property to a land assembly involving Treble Hall to the west and develop a 85,000 sq, ft. structure up to nine (9) storeys in height, while preserving the façade along John Street.
- Proposed purchase price is $10,000 and is conditional upon obtaining ownership of Treble Hall (adjacent property to the west) which the development proponents have submitted a conditional offer of purchase.
- Offer to purchase 87-89 King Street East is conditional upon receiving a suitable financial assistance package from the City under the terms of the Hamilton Residential Loan Program.

The proposed height of the development, will require additional consideration under the policies contained within the Downtown Hamilton Secondary Plan. The proposed development will need to consider existing land use patterns and building heights and massing within the Downtown. Considerable negotiation is required between the proposed developer and the City to result in an appropriate development given the parameters of the existing site.

The project, although more ambitious than the first proposal, fails to propose a purchase price which is reflective of the appraised value of the property. In addition, the reliance upon additional funding under the Downtown Residential Loan Program cannot be supported, as the development proponent would have to apply for funding separately under the criteria of the program.

Conclusions

Both proposals submitted for the purchase and development of 87-89 King Street East represent reasonable development projects. In both cases, opportunities to redevelop the site according to the basic principles and policies contained within the City's policy documents have been demonstrated. It is apparent however, that both proposals would require considerable staff review and would require changes to ensure absolute conformity to these policies.

In both cases, the proposals offer very little in terms of a purchase price at $1,000 and $10,000 respectively. In view of the fact that the variance between the proposed purchase price and the appraised value for the subject site is so great, it is recommended that both submissions be rejected.

Next Steps

Downtown Renewal Division Staff will continue to promote the economic use of 87-89 King Street East with various development interests. As these discussions unfold, we would expect new opportunities to come forward designed to use the City property in an appropriate development package and in conformity with the Hamilton Downtown Secondary Plan. Upon receipt of renewal interest, further reports will be presented to City Council concerning the possible disposal of this property.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – There are no financial implications associated with the recommendations contained within Report PD03086.

Staffing – Staff of the Downtown Renewal Division and Purchasing Section will conclude the RFP process and advise the development proponents of the recommendations contained within this report.

Legal – Legal Counsel has reviewed and supports the recommendations contained with this report.

POLICIES AFFECTING PROPOSAL:

Report PD03086 makes recommendation to reject the submissions for the proposal to purchase and develop 87-89 King Street East in accordance with the City's Purchasing Policies.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

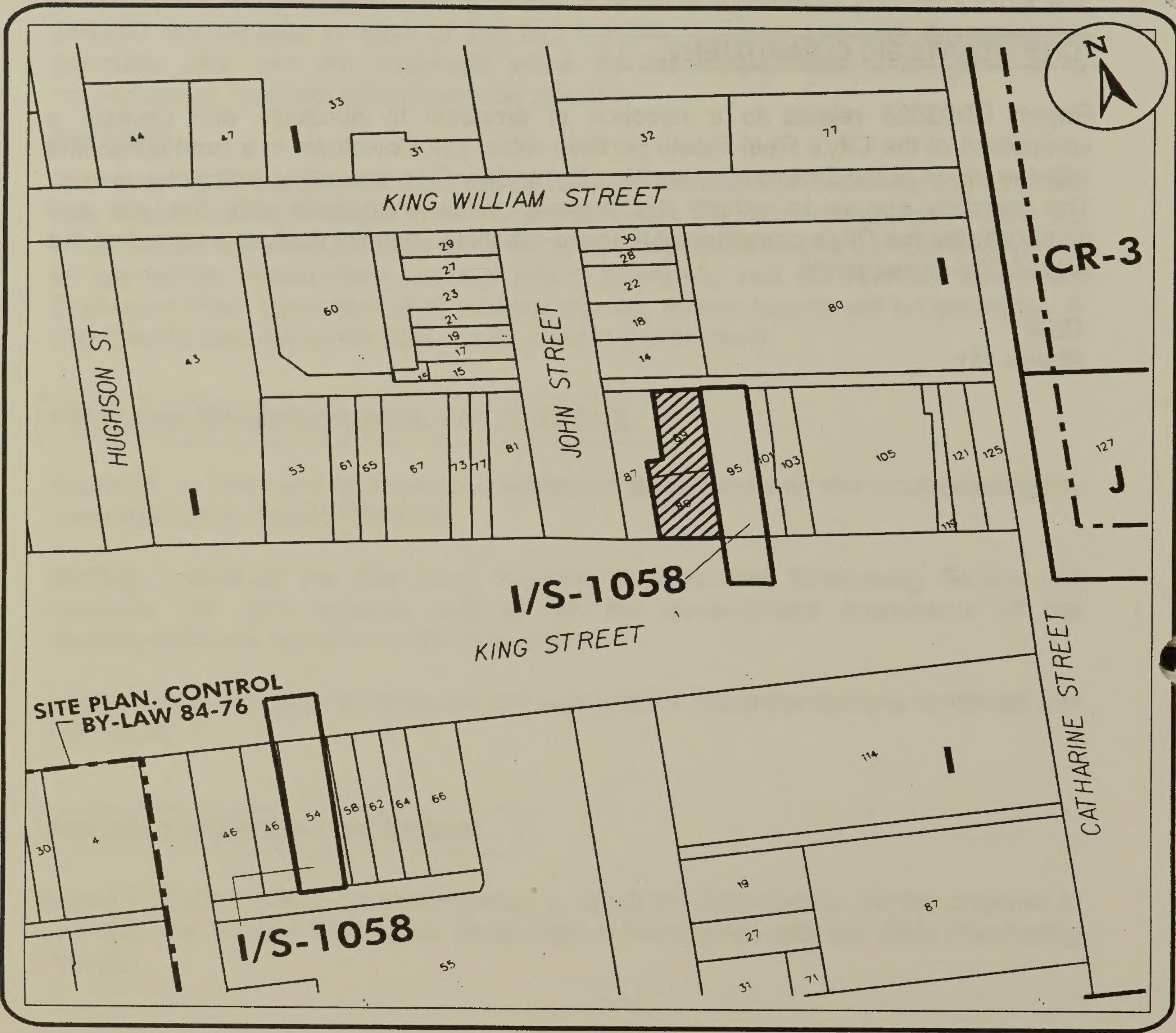
The recommendations in Report PD03086 are in a form satisfactory to Corporate Counsel. Comments provided by the Real Estate Section and Purchasing Section have been incorporated within the report.

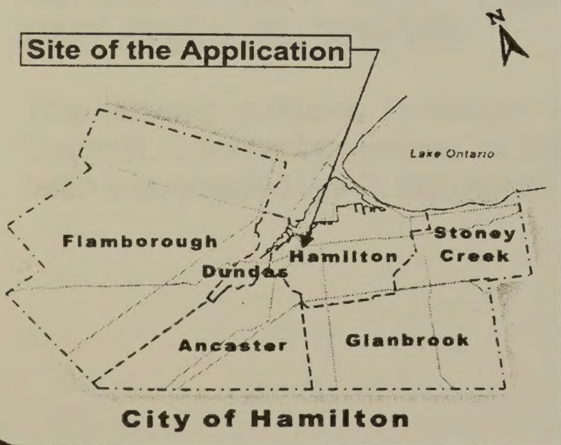
CITY STRATEGIC COMMITMENT:

Report PD03086 relates to a rejection of proposal to purchase and develop a component of the City's Real Estate portfolio within the Downtown in a form consistent with the intent of the Downtown Hamilton Secondary Plan and other policy documents. The rejection serves to uphold the property value associated with the site and demonstrates the City's commitment to make rationale financial decisions regarding the sale of City-owned lands.

PEM
Attach. (1)

Appendix “A” to Report PD03086
Page 1 of 1


N
KING WILLIAM STREET
HUGHSON ST
JOHN STREET
KING STREET
CATHARINE STREET
CR-3
J
I
I/S-1058
I/S-1058
SITE PLAN. CONTROL BY-LAW 84-76
44
47
33
31
32
77
29
27
23
21
19
17
15
15
30
28
22
18
14
60
43
80
53
61
65
67
73
77
81
87
89
89
95
101
103
105
121
125
127
119
30
4
46
46
54
58
62
64
66
114
19
27
31
71
87
55


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

CITY OF HAMILTON
PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
89 King Street East

Filename/number	*87-89 King St. E*
Date	*September 20, 2002*
Technician:	*NM*
Map Not to Scale	
Appendix "A"	

AFFECTS WARD 2

CITY OF HAMILTON

11.3

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	March 28, 2003	**Prepared by:**	Ron Marini ext 4178 Peter Minkiewicz ext 2632
File:			

SUBJECT: **Request For Proposal for the Sale and Development of Municipal Property Identified as 171 Main Street East (PD03085) (Ward 2)**

RECOMMENDATION:

(a) That T. Valeri Construction Limited be notified that their submission under contract C2-11-02-B for the sale and development of 171 Main Street East be approved subject to the negotiation of a suitable purchase and development agreement.

(b) That the City's Real Estate Section be authorized and directed to sell 171 Main Street East in accordance with the Real Property Procedural By-law #95-049.

(c) That appropriate Development Division staff of the Planning and Development Department, with Legal Counsel, negotiate an appropriate development agreement together with the development proponent for 171 Main Street East.

(d) That the net proceeds of the sale be used first to help offset any shortfall in achieving the $1 million program reduction in Real Estate to realize operating cost reductions and if not required, be contributed to the Reserve for Property Purchases.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Report PD03085 provides an overview of the Request for Proposal for the sale and development of City property identified municipally as 171 Main Street East. The T. Valeri Construction Limited proposal represents the single qualified submission under the terms of the Request for Proposal. The proposal is considered appropriate by a staff review committee, and it is recommended that the submission be accepted, and that staff continue to work with the development proponent to refine the proposal, and negotiate a purchase and development agreement.

BACKGROUND:

A Request for Proposal for the sale and development of City owned property at 171 Main Street East was issued through the Purchasing Section of the Corporate Services Department on December 13, 2002. The RFP included appropriate information to assist the development industry in understanding the opportunities associated with the development of the subject site. The subject site is identified on Appendix "A" to Report PD03085.

The Request for Proposal closed on February 14, 2003, with two (2) submissions received. Purchasing staff determined that one proposal met the submission criteria of the RFP and forwarded the proposal to the Downtown Renewal Division to conduct an appropriate assessment as indicated within the RFP document. A total of 27 RFP packages were given out by the Purchasing Section.

The proponents were asked to address issues of conformity with the relevant design and policy documents of the City of Hamilton and to provide a proposed purchase price for the City-owned property. Proposals were also to be assessed according to their effect upon the immediate area in terms of their fit and potential to serve as catalysts for additional development. Staff of the Downtown Renewal Division have been involved with this process as the property is within the Downtown and represents a key development site within the Downtown.

The subject site was previously sold by the City of Hamilton. Due to a lack of development performance on the part of the purchasers, the City exercised its opportunity to take the property back in July 2002. The rationale to dispose of the City owned property a second time through the RFP process was made on the basis that it would provide the greatest exposure for the asset and thus lead to a greater array of potential interest from the development industry. The subject site is currently used as a municipal parking facility. The do nothing alternative will mean the parking lot use will remain for the foreseeable future.

ANALYSIS OF PROPOSAL:

Adoption of the above recommendations is a preliminary step which will lead to the formal disposition of the property and subsequent development of the site.

The proposal and formal submission made by T. Valeri Construction Limited is considered appropriate from a development perspective. The development proponent has also provided satisfactory information regarding past development experience to conduct a risk evaluation of the proposal. The following points summarize the key issues addressed by the proposal:

- 12 storey mixed use rental project
- GFA of approximately 147,000 sq. ft.
- A commercial component of approximately 15,000 sq. ft.
- Parking for 54 vehicles
- Potential partnership with the City in relation to the provision of potential additional parking facilities associated with the parking structure
- Proposed completed development project of approximately $9,000,000
- Proposed purchase price of $300,000

It is noted that the proposed purchase price exceeds the appraised value of the property, which appraisal was completed in December of 1999 at a value of $225,000. The proposal successfully demonstrates conformity with the intent of the Downtown Hamilton Secondary Plan, Official Plan and Zoning By-law. The proposed development will be subject to a more detailed analysis according to the relevant provisions of the Zoning By-law and Policy documents of the City once a formal development agreement and purchase is negotiated.

The result of proceeding to sell and develop the subject site will be the loss of some municipally operated parking supply within the Downtown. This loss may be mitigated through the ongoing efforts to consolidate surface parking facilities into more intensive forms of parking including parking structures within strategic areas of the downtown as referenced within the Downtown Hamilton Transportation Master Plan.

In addition, the sale and development of the property would serve to address the intent of the Downtown Hamilton Secondary Plan to develop more residential land uses within the Downtown. Further, the property's development would result in increased property taxation revenues.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The property is currently occupied by a 61 space municipal parking facility. In 2002, the net revenues generated by the sale of monthly and daily permits in this parking lot were $12,600. The current 28 permit holders will eventually be displaced. Currently there are no municipal parking facilities nearby to which these parkers can be transferred. The recommendation to proceed with the disposition of the property would potentially result in sale revenues of approximately $300,000. It should be noted that the sale of these properties will result in realizing revenue collected from taxes subsequent to the sale which would otherwise have not been received if the property had of stayed in Municipal ownership. The new tax revenue should be considered, if required, during the 2004 Budget process in order to help achieve the $1 Million in Operating savings that is to come out of the Base budget.

Staffing - Administration of the sale of the subject property according to the terms of the City's disposition policies would be conducted by staff of the Real Estate Section. Appropriate Development Division Staff and Legal Counsel will negotiate an appropriate development agreement.

Legal – Legal Counsel has reviewed and supports the recommendations contained with this report.

POLICIES AFFECTING PROPOSAL:

Report PD03085 makes recommendation for the acceptance of a submission for the proposal to purchase and develop 171 Main Street East in accordance with the City's Purchasing policies, and its policies regarding the disposition of municipal real estate.

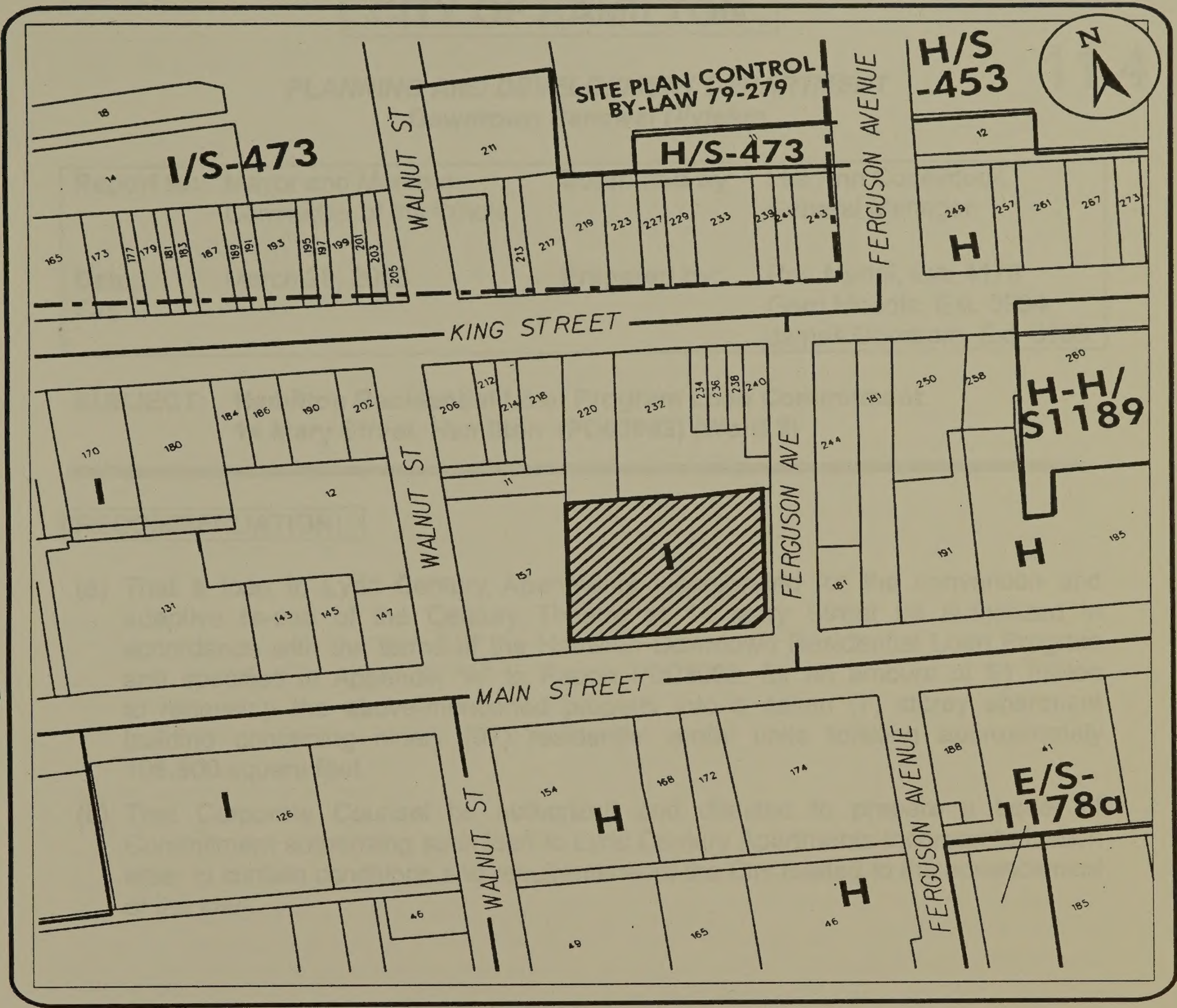
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

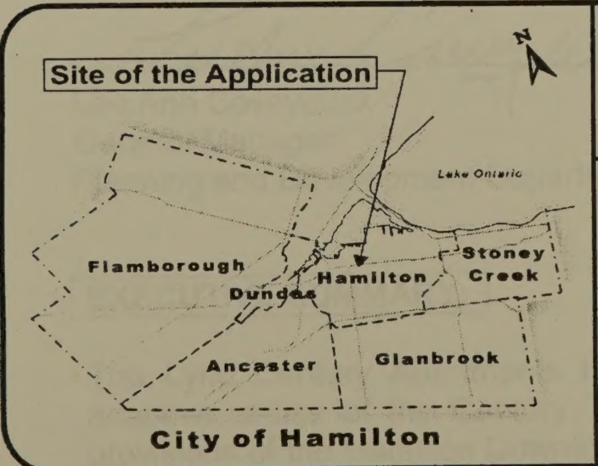
The recommendations in this report are in a form satisfactory to Corporate Counsel. Staff of the Real Estate Division and Purchasing Section has reviewed the report.

CITY STRATEGIC COMMITMENT:

Report PD03085 relates to a proposal to purchase and develop a component of the City's Real Estate portfolio within the Downtown which is consistent with the intent of the Downtown Hamilton Secondary Plan and other policy documents. The proposed development will rehabilitate a portion of the Downtown and lead to the construction of a sustainable residential development within the Downtown.

PEM
Attach. (1)


SITE PLAN CONTROL BY-LAW 79-279
I/S-473
H/S-473
H/S -453
H-H/ S1189
E/S- 1178a
I
H
KING STREET
MAIN STREET
WALNUT ST
FERGUSON AVENUE
FERGUSON AVE
N


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

CITY OF HAMILTON
PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
171 Main Street East

Filename/number	*171 Main St. E.*
Date	*September 20, 2002*
Technician:	*NM*
Map Not to Scale	
Appendix "A"	

AFFECTS WARD 2

CITY OF HAMILTON

11.4

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	March 28, 2003	**Prepared by:**	Ron Marini, Ext. 4178 Gord Moodie, Ext. 3934 James Goodram, Ext. 6109

SUBJECT: Hamilton Residential Loan Program Loan Commitment
14 Mary Street, Hamilton (PD03082) (Ward 2)

RECOMMENDATION:

(a) That a loan to Lyric Century Apartments Incorporated for the conversion and adaptive re-use of the Century Theatre at 14 Mary Street be authorized in accordance with the terms of the Hamilton Downtown Residential Loan Program and specified in Appendix "A" to Report PD03082, for an amount of $1 million to redevelop the above-mentioned property into a seven (7) storey apartment building containing ninety (97) residential rental units totalling approximately 106,500 square feet.

(b) That Corporate Counsel be authorized and directed to prepare a Letter of Commitment authorizing such loan to Lyric Century Apartments Incorporated, such letter to contain conditions and requirements of the City related to the advancement of the loan.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The Lyric Century Apartments Incorporated project relating to the conversion and adaptive re-use of the Century Theatre at 14 Mary Street conforms to the revised provisions of the Hamilton Downtown Residential Loan Program as adopted by Council on September 25, 2002. A loan commitment in the form of a loan agreement for $1 million secured by a second collateral mortgage, is recommended for the proposed development.

BACKGROUND:

The Hamilton Downtown Residential Loan Program was established to assist residential developers in creating new residential units within the Hamilton Downtown Core. The original program was to be funded from a $10 million operating line of credit which was approved by Council. The program has been revised in consultation with the development industry. The terms and conditions of the program are attached as Appendix "A" to Report PD03082.

The applicants of the property at 14 Mary Street had been on the program waiting list for the original program. The proposed loan to the applicant is recommended for approval on the basis that there is an uncommitted balance of the original $10 million line of credit. This recommended loan commitment is to be made under the revised terms of the program. The applicant is aware that the loan is recommended under the revised terms of the program. The subject site is identified on Appendix "B" to Report PD03082.

The proposed redevelopment of 14 Mary Street represents an opportunity for residential infill within the Downtown and implements the Downtown Hamilton Secondary Plan. The applicant is proposing to convert and adaptively re-use the Century Theatre for apartments. This is a building of significant historical character and is designated under the Ontario Heritage Act. The Downtown Secondary Plan allows for new development to be a maximum height of six (6) storeys at this location. The developers are maintaining the historical Mary Street façade and not adding any additional height to the existing elevation of approximately seven (7) storeys. This being the case, the proposed development conforms with the intent of the Downtown Secondary Plan. An overriding theme of the Secondary Plan is the development of additional residential opportunities within the Downtown, and the intensification of this site meets this objective. There is also a companion report submitted for Council's consideration by Lyric Century Apartments Incorporated under the terms of the Enterprise Zone Municipal Realty Tax Incentive Grant Program.

City staff has worked with the applicant to refine their redevelopment proposal to meet the objectives of the Downtown Hamilton Secondary Plan and other design guidelines established by the City. The applicant has committed to redeveloping the property as shown within said proposal.

ANALYSIS OF ALTERNATIVES:

Funding of the proposed project under the terms of the Hamilton Downtown Residential Loan Program provides the necessary gap financing to make the development financially viable for the development proponent. In the event that the project was not to be funded, the development would likely not proceed and the subject site would remain in its present state as it has for many years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – In accordance with the terms and conditions of the program, staff has reviewed the development proposal and the loan commitment is made on the basis that there is an uncommitted balance under the terms of the existing $10 million operating line of credit. Based on habitable floor space Lyric Century Apartments is eligible for a loan commitment of $1.7 million; however, there is only $1 million presently available. In the event that a project(s) listed in the table below do not move forward or do not draw on their entire loan commitment, Staff will bring forward a report for Council's consideration to increase Lyric Century Apartment's commitment from $1 million to the eligible amount of $1.7 million. Listed below is a table which notes the status of the loans available.

Present Projects Loan Status

Property	Amount	Date	Deadline to Apply	Balance Funded	Construction Start	No. of Units
135-143 James Street South Bear Inc.	$3.4 M	Aug 22/01	Satisfied	$1,886,391	Spring/02	192
11 Rebecca Street Rebecca Street Holdings	$.8 M	Aug 22/01	Satisfied	Nil	June/03	40
155 James Street South Augusta & James Limited	$1.056 M	Jan 9/01	Satisfied	$1,056,000	Complete	90
12 – 14 Mary Street 1178605 Ontario Inc.	$1.00 M		Satisfied	nil	May/03	97
100 Main Street East Homestead Land Holdings	$.746 M	Aug 22/01	Satisfied	nil	Complete	35
118 Market Street Wilshire Group Inc.	$2.008 M	Feb 01/02	Satisfied	nil	May/03	109
91 Wellington Street North 1267766 Ontario Ltd.	$.290 M		Satisfied	nil	Under Construction	12
74 Hughson Street South G.S. Global Developments Ont.	$1.00 M					64
Total Advanced to Date				**$2,942,391**		
Total Fund 03/2003				**$17.50 M**		

Staffing – Staff of the Planning and Development Department, Downtown Renewal Division, together with the Corporate Services Department, will continue to administer the program. Downtown Renewal Division staff will administer the loan.

Legal – The contents of Report PD03082 have been prepared in a form satisfactory to the City's Legal Counsel.

POLICIES AFFECTING PROPOSAL:

The recommendations contained within this report are made in accordance with the terms and conditions of the Hamilton Downtown Residential Loan Program which form part of the City's Provincially-approved Downtown Hamilton Community Improvement Plan.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Comments from the City's Legal Services Division staff have been incorporated within this report.

CITY STRATEGIC COMMITMENT:

The contents of this report relate to an application received under the Hamilton Downtown Residential Loan Program. The program provides financial assistance for the development/redevelopment of property consistent with the intent of the Downtown Hamilton Secondary Plan. The program provides financial assistance available for sustainable use of existing services and infrastructure.

JEG
Attachs. (2)

SUMMARY OF THE TERMS OF THE HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM

PURPOSE OF THE LOAN

The Hamilton Downtown Residential Loan Program was developed as a catalyst for stimulating residential development within Downtown Hamilton as defined by the Downtown Hamilton Community Improvement Project Area. The program is intended to provide financial assistance for converting existing commercial space into apartments or renovations to bring existing apartments into compliance with the Property Standards By- law and Fire Code. The program is also intended to provide assistance for the costs of creating new residential units on vacant land.

Acting as a lender, the City provides financial support for the program and ensures that development arising from the program within the Downtown is consistent with the principles and design themes contained within the Downtown Hamilton Secondary Plan.

TERMS OF THE PROGRAM

1. The Loan interest rate will be at 0 % interest.
2. The Loan will be registered as a second mortgage upon first advance of funds.
3. In the event of default of payment of any principal amount then interest shall be charged on the balance of the principal amount from the date of default until the default is cured or the balance of the principal is repaid whichever shall first occur at a rate equivalent to the highest rate charged by the City in respect of property tax arrears .
4. The maximum loan term is five (5) years (subject to prior termination on default).
5. Principal is repayable in annual amounts of ten percent (10%), in twelve (12) equal monthly payments, of the original loan amount. Payments will commence one year following completion of construction. The balance outstanding will be paid by a balloon payment at the end of the five year term.
6. The maximum loan amount is calculated on the basis of $20 per square foot of habitable floor space. The City reserves the right to decide what is considered habitable floor space under the terms of program.
7. The City will periodically review the terms and the duration of the program and make appropriate revisions as per the direction of City Council.

8. The City may request such security as may be required to secure a commercial loan, including the following: loan agreement; and/or promissory note; and/or personal property security; and/or personal guarantee's; and/or lien on the property to be improved; and/or mortgage charge registered on the property to be improved; and/or letter of credit in lieu of a second mortgage charge on the property (subject to City's minimum equity requirements); and/or such other security which may be appropriate or available in the circumstance.

9. Upon proof satisfactory to the City that the proposed development is 60% complete and that equity and/or financing required to that stage of completion has been injected into the development then the approved City funds will be made available and released proportionately based upon the approved source of funds (equity/financing/City funds). The calculation of the proportion to be advanced will reflect that the first 60% of funding is from non-City sources. Advances will be made in conjunction with financing advances or after proof of equity injections.

10. Owner applicants shall have no less than 25% equity based upon the appraised value of the property offered as security, including cost of improvements being financed. The 25% equity in the project shall be maintained throughout the term of the City loan. An accredited member of the Appraisal Institute shall complete the property appraisal prior to funding within a time frame acceptable to the City.

11. An administration fee of $500.00 per unit for developments under 50 units; $400.00 per unit for developments between 50 and 100 units and $300.00 per unit for projects over 100 units, is charged to the borrower and is eligible to be paid out of the loan proceeds.

12. Realty taxes must be paid current and in good standing throughout the development process, and during the term of the City loan.

13. Eligible existing buildings/vacant properties must be located in the Downtown Hamilton Community Improvement Project Area. Only class C/D commercial buildings with a pre-existing annual vacancy of not less 20% are eligible. Vacant lands include properties developed as parking lots.

14. Site Plan drawings in a form acceptable to the City must accompany the application form. Architectural renderings of the proposed completed development must also be submitted and must meet the objectives of the Downtown Hamilton Secondary Plan as determined by City staff.

15. Advances are made by the City, upon proof by a quantified surveyor or architect/engineer confirming the value of the work completed.

16. All costs associated with the conversion or renovations are to be borne by the applicant including construction, design, administration fee, appraisals,

inspections, legal and registration fees. The City retains the right to assess the reasonableness of costs and which costs are eligible under the terms of the program.

17. Upon sale of the property the loan is due and payable upon closing. Upon refinancing of the first mortgage the loan is due in full or part if take out financing or refinancing takes place in an amount higher than the existing first mortgage.
18. Upon sale of individual condominium units, the City will be repaid $25.00 per square foot upon closing.
19. The proposed development must conform to the City of Hamilton Official Plan and Zoning By-law, and to the Downtown Hamilton Secondary Plan.
20. The City of Hamilton will require specific insurance terms to be met to protect the City's interest.
21. Deadlines for the submission and approval of buildings permits and construction start dates are established following a report to Council for approved applications.

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM

DOCUMENTS REQUIRED

Personal

- Net Worth Statement
- Completed Application
- Two Years Income Tax Returns

Corporate

- Two Years Financial Statements
- Incorporation Documents

Liabilities

- Current Institutional Bank or Banks
- Lawyers Name and Address

The Property

- Site Plan or Survey
- Proposed Building Architectural Drawings
- Breakdown of Construction Cost
- Contracts in Place
- Original Purchase Price
- Current Registered Mortgages
- Details of Primary Construction Lending
- Details of Any Secondary Financing
- Appraisal (performed by A.A.C.I) Today's Value
- Appraisal Upon Completion
- Phase 1 Environmental Report
- Breakdown of other uses i.e. (commercial component)

Marketing

- Projected Rental Rates per unit or per sq foot
- Any Leases currently in place
- Letters of Intent to Lease
- Projected Expenses or Actual if Available
- List any Advantages of Leasing for the Property

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM
APPLICATION FOR FINANCING

PERSONAL

Applicant's Name:
Address:
Telephone (Home): Business:
Date of Birth: S.I.N.
Spouse's Name:
Bank: Account:
Credit Cards:
No. of Dependents:
Employer:
Address:

BUSINESS

Company Name:
Address:
Telephone:
Date of Registration:
Name of Registered Shareholders:
Solicitor's Name:
Address:
Telephone: Fax:
Accountant's Name:
Telephone:

THE PROPERTY

Address

Date of Purchase: Purchase Price:

Appraised Value:

Current Mortgage Amount.

Rate: Term: Date of Maturity:

Secondary Financing:

Name on Title:

PROPOSED

Estimated Cost: Cost per sq. foot:

No. of Proposed Units:

Current Use:

Please provide survey or site plan.

DECLARATION

I/We hereby grant permission to the City of Hamilton or its agents, to carry out the necessary inquiries for the purpose of determining my/our income, assets, liabilities and credit information.

Date **Signature**

Date **Signature**

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM
SECURITY DOCUMENTATION

The security documentation for the Hamilton Downtown Residential Loan Program was prepared specifically for the program by the law firm of:

Simpson, Wigle
Barristers & Solicitors
Suite 400
Commerce Place
21 King Street West
Hamilton ON L8P 4W7

Timothy Bullock

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM SECURITY DOCUMENTATION

To ensure any Applicant understands the processing procedure and all terms and conditions of the loan, the Processing Procedures document should be provided to each Applicant and the application form completed with the terms and conditions of the loan signed prior to City approval. The terms and conditions of loan approval are not a loan commitment or an agreement to provide a loan. The application form will ensure that the Applicant understands upon what basis the City will be approving the loan and the types of terms and conditions that will be in the Loan Agreement. The Solicitor's office will prepare the necessary loan documentation and complete the necessary searches to secure the City's position. In addition, the Applicant is to provide all necessary information required to satisfy any conditions of the loan such as an appraisal, names of cost consultants, contractors, bonding information, insurance information and any other items required and recommended arising from the risk analysis.

The security documentation should be drafted to include all standard requirements of the loan program and any special terms or conditions contained in the Council approval or report to Council. The critical documentation would be a Loan Agreement and a Collateral Mortgage. This would be consistent with the loans done to date. The Loan Agreement adopts standard terms and conditions and any special provisions related to the loan. The Loan Agreement includes the principal amount, the terms of repayment, arrears and events of default. A standard form has been prepared and is presently in use. A Collateral Mortgage has also been prepared. It provides for remedies upon default and would normally be registered as a second charge upon the property.

In addition to the Loan Agreement and Collateral Mortgage security documentation would include a Resolution of the company, and Officer's Certificate, a legal opinion from the solicitor or borrower as to due execution of all documentation and authority. Dependent upon the risk analysis, there may be a personal guarantee required, performance bonds, letters of credit or security on other assets such as a family home. The additional types of security would depend upon the application and the risk analysis.

For purposes of searches to secure title, the following would be recommended:

- *Search of Title;*
- *Execution Search;*
- *Tax Search;*
- *Evidence of Building Permit;*
- *Evidence of Zoning Compliance;*
- *Confirmation that there are no outstanding Work Orders;*

- *Confirmation that any site plan agreement has been complied with;*
- *Fire Department search;*
- *Certificate of status for corporation;*
- *Bankruptcy search;*
- *GST search (priority may be claimed by Federal government in respect of arrears of GST existing at the time of registration of the mortgage)*
- *Subsearches should be done at the time of each advance and depending upon the lapse of time others of the above searches may be redone;*
- *There should be a lien holdback on each advance in accordance with the Construction Lien Act.*

Many of the searches to be done are with the City itself. To the extent a simplified process can be established such that an individual in each of the Building and Planning Departments are responsible for advising then written requests and fees would not have to be paid.

A miscellaneous item to be considered in risk analysis is the first mortgagee. If the first mortgagee is a private lender is the City satisfied with their due diligence and analysis. There is potential for fraud if it is a private lender and funds advanced by the City are paid to the private lender to keep the first mortgage in good standing. This would be particularly true near the end of a project which is when the City is stepping in with their funds.

Consideration should be given to having the City do cheques to the trades themselves. This is not an uncommon situation on construction projects. Some lenders do make the cheque payable to both the borrower and the trade. This should form part of your risk analysis as to whether this is a step to be completed dependent on the borrower's financial strength, experience and viability of the project.

Payment of trades and review of outstanding accounts is critical on large loans and requires a cost consultant or quantity surveyor.

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM UNDERWRITING AND RISK ASSESSMENT PROCESS

To properly assess risk and underwrite any income property (residential or commercial) or potential condo conversion, the process must begin with the proper information accompanying the application. This information is used in assessing the risk and determining if the loan amount applied for falls within the income capability of the property. The underwriting approach should address the project from a financial, market and construction risk point of view.

To support the underwriting process, it is considered prudent to retain a Quantity Surveyor/Construction Cost Consultant to review:

A. The project budget and construction schedule proposed:

- at each advance to review cost to date;
- at each advance to review the timeliness of the proposed construction schedule.

An equally important consideration is the monitoring of the project as funds are advanced to ensure:

A. Loan funds are being used properly:

- Project schedule is on time;
- Cost overruns are being funded by borrower equity and/or primary lender loan increases.

Each of these elements of the process is detailed below.

A) INFORMATION REQUIRED

Background and complete disclosure of project ownership

At least three years of Audited or Review Engagement financial statements with the most recent year end no longer than nine months old. The statements are to be accompanied by explanation of any non-project assets, liabilities as well as income and expenses.

The project's construction and soft cost budget.

A pro forma income and expense budget for the project.

A detailed construction schedule for the project.

Appraisal Report from a qualified appraiser acceptable to the City of Hamilton based on the completed project and using an income approach based on current market rents/values and capitalization rates.

At least a Phase I Environmental Report.

A resume of the construction team including architect, engineer, major trades, bonding and insurance company.

A copy of a construction and take out commitment from a financial institution acceptable to the City of Hamilton.

Personal and/or Corporate financial statement of any proposed guarantor.

B) FINANCIAL RISK ASSESSMENT

Review and assess projected income and expenses in relation to current market comparables.

Assess total construction and soft cost budget in relation to current market costs.

Ensure sufficient contingencies have been provided for in the construction budget.

Review the make up and confirm proposed borrower equity contribution meets the 25% requirement.

Assess market value of the completed project.

Confirm the project Loan to Value ratio (LN: Value), including the first mortgage conform to normal lending industry procedures.

Confirm that Debt Service Coverage Ratio (DSC), including the first mortgagee conform to normal lending industry procedures.

C) ENSURE ALL ENVIRONMENTAL ISSUES HAVE BEEN SATISFIED.

Assess the adequacy of construction and soft cost budget as well as contingencies.

Confirm that the proposed construction schedule is achievable.

Assess the financial strength and performance ability of the general contractor as well as all major sub trades.

Ensure adequate bonding is in place for the general contractor and key sub trades.

Ensure adequate construction All Risk Insurance is in place.

Determine key shareholders/guarantors have sufficient financial strength to fund cost overruns if required.

D) MARKET RISK ASSESSMENT

Assess projected rental/sales agent has sufficient experience/track record to achieve the projected lease up/sales.

E) MONITORING

Each advance to be accompanied by a breakdown of hard costs to date and costs to complete certified by an Engineer.

At the time of each advance, review the timing of the project construction schedule. Confirmation that any cost overruns have been funded by borrower equity and/or an increased construction loan from the primary lender.

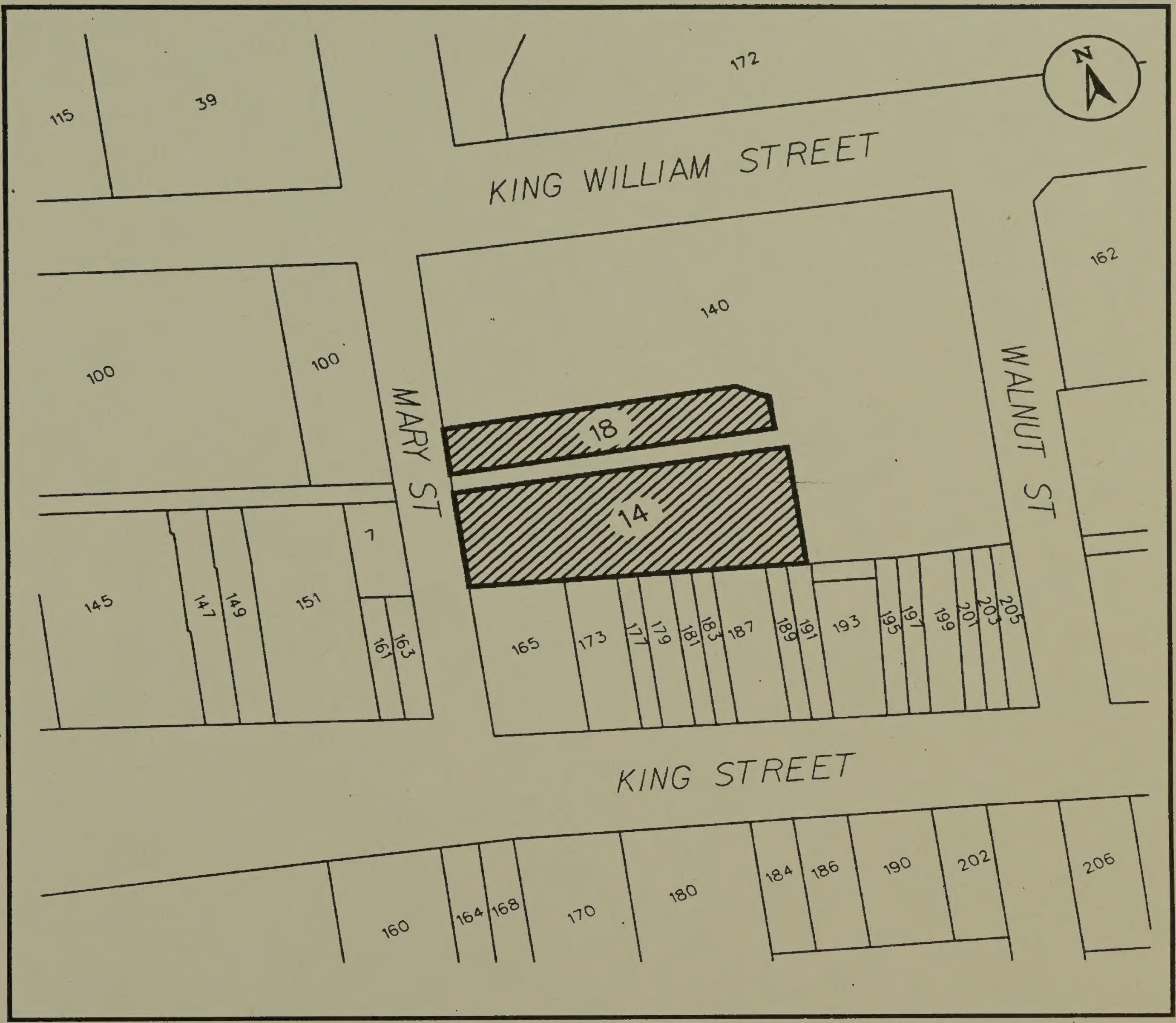
A monthly report as to the current status of lease up/sales. Through a title subsearch, ensure any liens or executions have been discharged or removed.

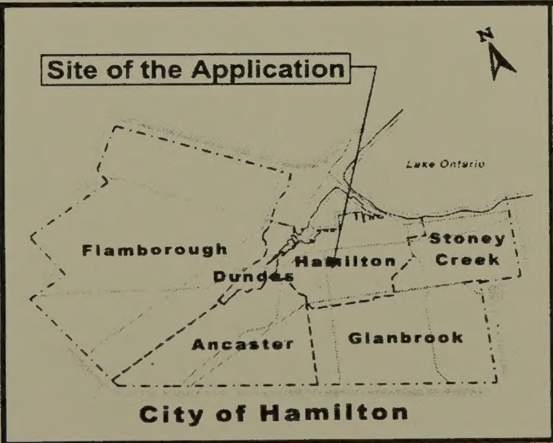
If construction has not been completed after loans have totally advanced, to continue to be provided with a report of project costs to date and cost to complete certified by an engineer.

If construction has not been completed after loan has been totally advanced, to continue to provide an update of the construction schedule of the project.

After loans have been totally advanced and until repayment commences, to continue to be provided with a monthly report as to the current status of lease up/sales.

Appendix “B” to Report PD03082


N
172
115
39
KING WILLIAM STREET
162
140
100
100
MARY ST
WALNUT ST
18
14
7
145
147
149
151
161
163
165
173
177
179
181
183
187
189
191
193
195
197
199
201
203
205
KING STREET
160
164
168
170
180
184
186
190
202
206


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
14 & 18 Mary Street

Hamilton

Filename/number
14 and 18 Mary St

Date
March 21, 2003

Technician:
L.M.M.

Map Not to Scale

Appendix "A"

SECTION 12

SECTION 15

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

13.1

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	March 31, 2003	**Prepared by:**	Hart Solomon Extension 4584 Wray Oakes 905-692-1355

SUBJECT: Road Salt Management Plan (TOE02129a) - (City Wide)

RECOMMENDATION:

(a) That the City of Hamilton's Salt Management Plan, as presented with Committee of the Whole report TOE02129, be endorsed and approved as part of the City's comprehensive Integrated Management System; and

(b) That staff be directed and authorized, subject to funding availability under operating and capital budgets, to implement all aspects of the Salt Management Plan; and

(c) That the following subsection previously tabled by City Council on 2002, July 10, be lifted from the table and forwarded to Environment Canada: "That Environment Canada be formally advised of the completion and approval of Hamilton's comprehensive Salt Management Plan so that Environment Canada is aware of the City's leadership in this area and has knowledge of the City's advance compliance with upcoming Canadian Environment Protection Act requirements".

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The City of Hamilton has demonstrated leadership in the environmental area of road salt management through the development of a Salt Management Plan. The plan, prepared with the help of the consultant Ecoplans Limited, has become a major component of the City's Integrated Management System and will be the operating guideline for all salt handling, storage, application and snow disposal methods for the City.

The plan was presented to City Council at the Committee of the Whole meeting of July 2, 2002. At that time the Committee endorsed and approved the Salt Management Plan, subject to the implementation of a communication strategy which was to include community meetings and requested that following the communications undertaking, staff recommend a position on the City Salt Management Plan.

As detailed in this report, staff have undertaken a series of seven public meetings as well as seeking input from the Community Advisory Group of the Integrated Management System. While attendance at the public meetings was limited, those people who did turn out and commented on the plan were almost unanimously in favour.

The City Salt Management Plan is fundamentally a "win-win" concept. The intent is to maintain the existing level of service for winter control while simply reducing wastage of salt. Less waste translates to less environment damage and lower cost to the taxpayer. It is now recommended that the plan be formally and unconditionally approved, which will allow staff to proceed with implementation of all aspects of the program. Based on the conditional approval received last summer, a number of initiatives are already underway or have been presented to Council as part of the 2003 capital budget. These are detailed within this report.

As well, it is appropriate now to advise Environment Canada of the City's position, in that a proactive response and stance in regard to salt management is a much preferred situation to having the Federal Government dictate rules and regulations.

BACKGROUND:

In response to Environment Canada's determination that excessive use of road salt is harmful to the environment, the City commissioned Ecoplans Limited to prepare a Salt Management Plan. Environment Canada is currently considering designating road salt as a toxic substance under the Canadian Environmental Protection Act (CEPA) and has placed the concept out for public review. Environment Canada's assessment report released in December 2001 indicated that because of the high releases around handling and storage sites and through run-off and splash from roadways onto soils, streams and rivers, road salt posed a serious threat to the aquatic environment, plants, and animals. It also stated that road salt is not harmful to humans. While it was indicated that the Minister will make a final determination of the status of road salt in the short term, to date no further pronouncement has been made. The City's Road Salt Management Plan anticipates that the Ministry may dictate regulations to municipalities and takes the alternate approach of a proactive stance.

The full Salt Management Plan was presented to members of Council as Appendix A of Committee of the Whole report TOE02129. A summary report is attached to this document as Appendix A.

When the Salt Management Plan was initially presented to Council in July 2002, Committee of the Whole requested that staff undertake a public consultation process before the Committee would provide the final approval of the plan.

Staff conducted a series of seven public meeting sessions to present the Road Salt Management Plan and at the same time advise the public of winter control standards. The meetings were held in City Hall and at outlying contact and community centres, with one meeting was held during the day at a senior's centre on Hamilton mountain. In addition, the Salt Management Plan was presented for comment and input to the Community Advisory Group of the Integrated Management System, comprised of a number of knowledgeable environmental experts from across the City.

Despite the fact that the meetings were held in November and December, at a time when people would be interested in winter conditions, turn out at the public meetings was generally light with the exception of one meeting which was held on the subject of the budget as well as salt management and winter control. The comments that were received at the public meetings were generally quite favourable.

The Community Advisory Group suggested that the Salt Management Plan is a "good first step". They would like to see in future an additional movement away from the use of salt entirely, either to sand, additional plowing or complete absence of treatment. However, there was no contradiction or concern with the measures that are contained within the Salt Management Plan.

As part of the delivery of winter control services for this and upcoming winters, a number of initiatives supporting the Salt Management Plan have been either been undertaken or are planned. Following are a description of some of the items which have already been implemented:

> Training. Staff, both City and contractor, were provided with education and training on the proper application of salt, prior to the start of winter control. A major goal of this training was to provide operators with an understanding of the how to achieve adequate snow control with the minimum application of salt.
>
> Pre-wetting. Pre-wetting is the application of a liquid deicing chemical to the rock salt just before it is placed on the roadway. This allows the salt to stick to the roadway and begin to react with the snow or ice more quickly. By sticking to the roadway less salt is migrates to the curb or ditches. By reacting more quickly, less salt is required, thus becoming more effective and efficient from an environmental perspective. Ten new snow removal vehicles were purchased by the City of Hamilton prior to the start of winter operations for 2002/2003. All vehicles were equipped with on-board pre-wetting. All trucks supplied by the City of Hamilton's contractor for the next three years were required to have pre-wetting equipment on board. In addition, a capital budget item was presented to Council for retro-fitting 10 existing vehicles with automated controls and pre-wet tanks, and this initiative was paired with a $24,000 annual reduction in salt usage.
>
> Weather Service. The City subscribes to a specialized weather service, specific to winter control operations, in order to react as appropriately as possible to on-coming storms.
>
> ARWIS. ARWIS stands for Advanced Road Weather Information System. A study has been completed on the number, type, and siting of ARWIS stations. ARWIS stations are most useful in that they can provide very specific on-site information not only of air temperature and weather conditions but more importantly of road temperature, moisture and salinity conditions. This allows the better decision-making and means that salt is applied in a more knowledgeable fashion. The

implementation of a single ARWIS station within Hamilton will allow access to a whole network of ARWIS stations presently in use by the Ministry of Transportation and ETR/407. The installation of one or more ARWIS stations is planned for 2003 and was included in the 2003 budget.

Anti-icing. Anti-icing is the application of liquid brine directly to the roadway in advance of an on-coming storm. The intention is to prevent a bond between the snow/ice and the roadway surface. Anti-icing has the side effect of being more efficient in terms of the overall use of salt for the situation required. Anti-icing has a limited application, in that it must be applied to a dry road in advance of a storm, at weather conditions not too far below zero. However within that window, it can be very effective. The City has at its disposal four anti-icing trucks and these were dispatched on a number of occasions this winter, to apply anti-icing on escarpment crossings, Linc ramps, and on many bridge decks throughout the City.

Added Salt Storage Buildings. One of the primary precepts of the Salt Management Plan is to minimize the loss of salt into the environment around storage and loading areas. In order to minimize the use of salt, the City has standardized on the use of 100% salt for major roadways and a salt/sand mix for minor and residential roadways. This has the drawback of requiring duplicate storage facilities for two separate types of materials. At present some of the salt/sand mix is being stored outside which allows for the migration of the material into the environment, as well as making the material much more difficult to manage. In the 2003 capital budget, provision has been made for the erection of two buildings at operations yards where there are large quantities of salt/sand mix stored outdoors.

Hard Surfacing. Significant amounts of salt can migrate into the environment when loading of sander units takes place on a granular or unpaved surface. Provision has been made in the 2003 capital budget for additional hard surfacing at some of the Public Works yards in order to ensure that all material can be loaded on a hard surface. This will ensure that material which is spilled can be easily captured and reclaimed. As well, some of the funding in this capital item will be used to add sewer interceptors, to catch the oils and other materials from the trucks, which otherwise would flow into the City's sewer system as a result of regular washing and cleaning of the vehicles.

With the approval of this report, staff will be charged with a wide range of responsibilities for minimizing salt wastage, which will also result in reduced overall operating costs for winter control.

At this time, it is also appropriate to formally notify the Federal Government of the existence of the City's Salt Management Plan, to provide proof to them of the City's proactive stance with regard to this environment issue.

ANALYSIS OF ALTERNATIVES:

The alternative is not to proceed to implement the plan. This would result in continuing damage to the environment and would be contrary to the City's core values. It would also result in increased financial cost in terms of salt usage.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Salt Management Plan can be implemented with existing staff through training and cultural change.

Building and yard improvements will need to be considered in conjunction with Facility Management's Yard Rationalization Study and funded through the capital budgeting program.

Fleet improvements can be addressed through tender specifications on new and replacement vehicles and minor modifications can be funded through the current budget.

The overall program will require funding from both operating and capital budgets. The program can be phased in over a number of years based on the availability of funding. Ideally, the program would be implemented within three years, but financial constraints suggest a 5 to 7 year timeframe is more realistic. The total cost of capital improvements is estimated at $3,150,000. The total current budget implication is about $40,000 annually, which should be offset by reduced salt usage.

Staff will prepare an annual financial plan for the program to be revised in consideration of changes in systems, technology, and field experience. The program will be reviewed on an annual basis in accordance with the stated obligations in the Salt Management Plan.

POLICIES AFFECTING PROPOSAL:

The Salt Management Plan is a major component of the City's Integrated Management System and was developed in accordance with the level of service policies provided for in the City's Winter Control Policy.

Initiatives from Environment Canada, although not yet fully developed or implemented, indicate that improved salt management practices may be regulated in the near future.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The implications and importance of the Salt Management Plan have been previously reviewed with Facilities Management staff, Fleet Management staff, and those responsible for the co-ordination of the Integrated Management System. The Salt Management Plan is consistent with the national salt management initiatives being developed in response to Environment Canada's on-going review of salt use and is consistent with the Transportation Association of Canada's Salt Management Guide.

CITY STRATEGIC COMMITMENT:

The City's Vision calls for a "...safe, healthy, sustainable community...". One of our core values is "Sustainability: to contribute to a balanced community, economy and environment; to minimize the footprint of our activities and to do no harm". One of our six Goals is to have "A Healthy, Safe and Green City" which includes as specific actions: "Cleaning Up the Harbour", "Investing in Safe Water for Today and Tomorrow" and "Leading the Way in Environmental Studies and Management".

The proposed Salt Management Plan is a progressive, proactive response to the City's Vision, Values and Goals.

As per the above goals, reducing salt usage will mean less damage to flora and fauna in the City. It will also mean less salt entering the harbour.

As well, reduced road salt usage will mean less salt in the ground water. Health Canada has stated that road salt does not have any direct human health impacts. However, it is also acknowledged that for those people whose water source is from shallow aquifers, increased sodium intake may be experienced when roadway runoff is permitted to enter the water table. This increased exposure to sodium may pose an additional health risk to those who are on sodium-reduced diets.

The Salt Management Plan is also consistent with the Corporate Environmental Policy (E = MC4). Our commitment is to strive for excellence in environmental management. We intend to comply with all legal and environmental regulations and will try to exceed them through voluntary actions. We will try for continual improvement in our environmental performance. Once implemented, the proposed plan will achieve these goals.

Attached: Appendix A

Hamilton

City of Hamilton

SALT MANAGEMENT PLAN

SUMMARY

$E = MC^4$

Environment Management Commitment
Compliance
Continual Improvement
Consultation

TABLE OF CONTENTS

INTRODUCTION 2

OVERVIEW 2

PURPOSE OF THE SALT MANAGEMENT PLAN 2

FORMAT OF THE SALT MANAGEMENT PLAN 3

RESPONSIBILITIES 4

THE CITY OF HAMILTON MISSION AND GOALS 4

CORPORATE ENVIRONMENTAL POLICY 5

THE CITY OF HAMILTON'S ROAD MAINTENANCE POLICIES 6

SALT MANAGEMENT POLICY 7

APPLICATION 6

IMPLEMENTATION 6

WINTER MAINTENANCE STANDARDS 7

INTRODUCTION 7

WINTER OPERATIONS – LEVEL OF SERVICE STANDARDS 7

WINTER OPERATIONS – SALT AND ABRASIVE APPLICATION RATES 7

OPERATIONAL PRACTICES AND STRATEGIES 9

OVERVIEW 9

KEY GOALS 9

CLOSING 14

NOTICE:

The City of Hamilton's Salt Management Plan is modeled on a Salt Management Plan Template developed by Ecoplans Limited and has been prepared for the sole use of the City of Hamilton. It may not be used by anyone else without the prior written approval of Ecoplans Limited.

Hamilton

ecoplans Limited

INTRODUCTION

Overview

The City of Hamilton has about 3000 centerline kilometres of roads within the framework of a classification system, which provide for the safe, efficient and affordable means of surface transportation for road users. People rely on our roadway network throughout the year for transport to the workplace, to recreation and leisure facilities, for the transport of goods and services, and for emergency and security services.

Snow and ice conditions on the road system have a dramatic impact on public safety, roadway capacity, travel time and economic costs. User safety remains the most important priority within winter maintenance operations, practices and strategies contained in this Salt Management Plan.

Although there is ongoing research into the use of alternatives to road salt in winter maintenance, salt continues to be the most cost-effective de-icer across Canada. However, because of the adverse effects that salt has on the environment, the Salt Management Plan strives to minimize the amount of salt entering the environment by including best salt handling practices, and using new technologies to ensure its most effective use over the road system. The city will continue to search out and use viable and cost-effective new technologies and chemicals to reduce the environmental impacts of winter maintenance activities.

In 2001, Environment Canada released an assessment report stating that road salts are entering the environment in large amounts and are posing a risk to plants, animals, birds, fish, lake and stream ecosystems and groundwater. Based on the assessment, Environment Canada is considering declaring road salt to be “toxic” under the Canadian Environment Protection Act (CEPA). The “toxic” designation only means that it is harmful to the environment if used in excessive amounts. Environment Canada has stated that they will not ban road salts, but rather will encourage users to develop their own salt management strategy. ***It must be noted that Health Canada stated that road salts are not harmful to humans.***

Given the environmental concerns regarding road salt, the City of Hamilton is showing leadership within Canada by developing its Salt Management Plan in accordance with a Framework for Salt Management Plans prepared by TAC. This Salt Management Plan ensures that roads are properly maintained in a safe condition while addresses growing concerns about the effect road salt is having on our natural environment. This plan is consistent with ISO 14001 and will become part of the City’s Corporate Integrated Management System.

Purpose Of The Salt Management Plan

Hamilton’s Salt Management Plan provides a comprehensive framework for ensuring that the City improves the management of road salt used in its winter maintenance operations on an ongoing basis. This document is a summary of the information contained in the full plan and report.

CORPORATE ENVIRONMENTAL POLICY

The City of Hamilton's goal is to become a leader in municipal environmental performance in the delivery of our municipal services. The City of Hamilton will sustain and protect its human community and natural environment through:

COMMITMENT: The City of Hamilton will strive for excellence in its management of the environment by applying pollution prevention principles and addressing environmental implications in its decisions, activities and expenditures.

COMPLIANCE: The City of Hamilton will manage its operations to comply with all legal, environmental and other requirements that the City has committed to. When Council or Administration deems it is in the best interest of the Community, the City of Hamilton will exceed those requirements through voluntary policy commitments in the management of the City's operations and services.

CONTINUOUS IMPROVEMENT: The City of Hamilton will set objectives and targets to improve its environmental performance and review with environmental management system to ensure continuing suitability, adequacy and effectiveness.

CONSULTATION: The City of Hamilton will consult with the community on significant environmental issues and priority setting. The City will report to the community on the progress of the resulting environmental management programs on at least an annual basis.

$$E = M\ C^4$$

Environment
Management
Commitment
Compliance
Continual Improvement
Consultation

THE CITY OF HAMILTON'S ROAD MAINTENANCE POLICIES

> **The City of Hamilton will provide safe, reliable, efficient and environmentally responsible transportation service within the City in accordance with its approved level of service policies and accepted standards.**

Salt Management Policy

Within the City of Hamilton's overall policy context, the following is the City of Hamilton's policy on the use and management of road salt.

- To comply with all applicable federal and provincial legislation regarding the storage and use of snow and ice control products.
- To use road salt in an environmentally responsible manner, and minimize the negative environmental effects of handling, storage and application of salt on the environment.
- In providing the stated Level of Service, the City of Hamilton will conserve the use of salt by utilizing the most cost-effective technologies and practices.

Application

This policy applies to all employees involved in Winter Maintenance Operations.

Implementation

This Salt Management Plan is activity based and follows an Environmental Management System framework consistent with the City's Environmental Management Policy. It includes the following elements:

- Periodic review and analysis of industry practices
- Implementation and document of the plan
- Education and training of staff
- Monitoring and analysis of operations
- Management review and revisions
- Environmental review
- Policy and practices revision

WINTER MAINTENANCE STANDARDS

Introduction

The major activities related to winter maintenance are:

- salt and sand storage;
- salt spreading;
- sand spreading;
- snow plowing; and
- snow removal and disposal.

Winter Operations – Level of Service Standards

Winter control Level of Service Standards are designed to meet the needs of the community from the perspective of driver safety and the provision of emergency service. These LOS standards are driven by both the technical requirements of winter operations and the need to address the socio-economic concerns of a large urban municipality. The standards are laid out in the City's Winter Control Policy, as approved by Council.

Winter Operations – Salt and Abrasive Application Rates

The following application rates are target rates to be used in conjunction with the City's Winter Control Policy.

Tables 1 and 2 present the Application Rates for salt and for abrasives (salt/sand mix).

The City has recently introduced the use of liquids for pre-wetting salt and anti-icing[1] on a limited basis. The City is committed to adding on-board pre-wetting capabilities on its entire fleet. Pre-wet application rates are in the range of 5 – 8%. Anti-icing application rates are under review. As the City gains experience with anti-icing, these rates will be defined.

Table 1 – Target Salt Application Rates

Setting	**Dry Salt**	**Pre-wetted Salt**
Light	95 kg/2lane km	75 kg/2 lane km
Normal	130 kg/2lane km	105 kg/2 lane km
Heavy	170 kg/2lane km	130 kg/2 lane km
Extra-heavy (Escarpment Crossings)	320 kg/2lane km	250 kg/2 lane km
The on duty supervisor has the flexibility to adjust the application rates to accommodate specific conditions. For example, application rates are reduced for black ice and frost conditions and increased on mountain accesses.		

---

[1] Anti-icing is a proactive snow and ice control strategy whereby straight brine is sprayed directly on the road in advance of a storm. The term can also refer to early application of chemical in any form early in a storm to prevent the formation of the snow/road bond.

Table 2 – Target Abrasive Application Rates

Setting	Dry	Pre-wetted
Light	300 kg/2lane km	240 kg/2lane km
Normal	500 kg/2lane km	400 kg/2lane km
Heavy	750 kg/2lane km	600 kg/2lane km
The on duty supervisor has the flexibility to adjust the settings to accommodate specific conditions as directed by.		

Because of the variety of conditions that can be encountered, within this framework, Supervisors are allowed full control regarding frequency and timing of applications.

OPERATIONAL PRACTICES AND STRATEGIES

Overview

Chapter 4.0 of the Salt Management Plan analyzes each of the key operational practices and strategies related to the effective management of road salt during winter maintenance activities.

Each subsection has a summary that presents a discussion of the objectives, environmental considerations, current situation, plan goals, responsibilities, performance measures and references.

The Goals recognize that the Salt Management Plan is comprehensive and will take time to implement.

Key Goals

The following table summarizes the City's Salt Management Goals.

ACTIVITY	SUMMARY OF SALT MANAGEMENT GOALS
Level Of Service	• Maintain a consistent and updated Level of Service Policy for roads and sidewalks.
Fleet Allocation/ Optimization	• Complete the route optimization study for priority 1 roads. • Implement the accepted recommendations from the Route Optimization Study and revise this plan accordingly. • Evaluate the merit of the priority 1 effort for use on other roads.
Electronic Spreader Controls	• By 2008 all spreading equipment shall have groundspeed regulated electronic controllers with printout capability. These will be acquired at a rate of approximately 10 per year. • All contracted spreaders will be required to have electronic controls in the 2002-2003 winter season. • Develop and implement a record-keeping system that uses the data supplied by electronic controllers. • Verify calibration using the salt distribution printout.
Pre-Wetting And Anti-Icing Equipment	• Assess and review the results of the pre-wetting and anti-icing experience to-date (in-house and other jurisdictions). • Develop an anti-icing and pre-wetting guideline that addresses preferred application rates and expected performance on the road. • Introduce pre-wetting on all priority 1 and 2 roads over the next 3 years, with all units having pre-wetting capabilities by 2006. • Identify areas that have an anti-icing priority and integrate this into the equipment plan. • Consider requirement for pre-wetting on all contracted units by the fall of 2002.

ACTIVITY	SUMMARY OF SALT MANAGEMENT GOALS
	• Provide training in liquid use and handling by November of the year in which liquid use is implemented. • Continue with at least one contracted anti-icing operation in 2002. • Outfit at least one City anti-icing unit in 2003. • Evaluate the merits of alternative liquids and identify the most cost-effective long-term supply of the chosen liquid (e.g. in-house production and storage of salt brine vs importing of proprietary liquids).
Spreader Calibration	• A calibration procedure will be developed and implemented by October 2002. • All spreaders shall be properly calibrated each fall. • Standardized Salter Calibration Forms and procedures will be developed by November 2002. • All routes will be benchmarked with a quantity for a given application rate. The benchmarks will be revised each time the routes are adjusted. • Salt use will be checked against the benchmark after each storm to highlight equipment that needs to be recalibrated. • Equipment will be recalibrated after any repair that affects the delivery system. • A calibration history for all spreaders will be maintained by designated Supervisors and reviewed annually.
Equipment Washing	• By 2008 all vehicle washwater shall pass through oil/water separators before being discharged.
Material Ordering And Delivery	• Specify and enforce minimum moisture content standards for all salt delivered. • Schedule salt deliveries to minimize outdoor storage. • Ensure that pre-treatment is properly adjusted in accordance with the moisture content to reduce leachate.
Sand/Salt Blend Record Keeping	• To track the location and amount of sand/salt blends being used. • To optimize the use of sand/salt blends as opposed to straight salt.

ACTIVITY	SUMMARY OF SALT MANAGEMENT GOALS
Salt Record Keeping	• Document usage for each spreader, along with weather and road conditions after every run. • Benchmarking (salt quantity per application setting) for each route will be established for the 2002-2003 season. • A standardized usage log will be developed and implemented during the 2002-2003 season. The log will include weather and road conditions and rationale for treatment strategy • Usage logs will be compared to the benchmarks at the end of each day to check calibration. • Salt delivery records and end-of-season residual will be logged to allow for year-end reconciliation of salt use. • Periodic comparisons of usage by run will be carried out to identify and address any inconsistencies. • Record-keeping training
Sand/Salt Mixtures	• The maximum sand/salt blends will be 25% by volume, meaning 1 m^3 of salt per 3 m^3 of sand. • To optimize the % of salt in sand/salt blends.
Salt Storage / Handling	• By Fall 2002 all salt shall be stored inside buildings on impermeable floors. • All new maintenance facilities will be designed in accordance with the principles set out in TAC's Code of Practice for Design of Maintenance Yards. • Impermeable loading pads will be installed beginning in 2002 with completion in 2005. • The City will investigate approaches to dealing with chloride contaminated runoff containment.
Sand/Salt Blend - Storage / Handling	• By 2007 all of sand/salt blends shall be stored under cover and on impermeable pads – assuming completion of 2 yards per year.
Good Housekeeping Practices	• Implement the Good Housekeeping Code of Practice by the October 2002. • Provide annual training on good housekeeping practices by December of each Year.
Weather Forecasting	• Develop a contract with a weather provider to provide dedicated forecasts before the start of each snow and ice controls season. • Work with the weather provider to make the information accessible over the Internet. • Provide access to Doppler radar for all personnel making call-out decisions. • Provide annual training in use of weather information.
Road Weather Information Systems	• Assess micro-climate and area road network to do a preliminary design for the ultimate RWIS network

ACTIVITY	SUMMARY OF SALT MANAGEMENT GOALS
(RWIS)	• Carry out an initial planning study and develop a network concept design including data sharing with others and a phase-in strategy. • Install hardware in accordance with the phase-in strategy. • When RWIS is available to staff, develop a contract with a weather provider to provide dedicated pavement condition forecasts before the start of each snow and ice controls season. • When required, provide annual training in use of weather and pavement temperature information.
Infrared Thermometers (IRTS)	• Add truck-mounted IRTs on all patrol vehicles by 2003. • Provide annual training in use of IRTs.
Storm Response	• To prepare documented guidelines and training for decision-making staff to provide consistent response throughout various storm scenarios. • Review storm response practices and revise the guidelines as needed. • Promote a climate of continual learning and promote learning from both successes and failures. • To develop standard methodology to report/summarize storm response. • To train all supervisors and operators in proper record keeping by December of each year.
Winter Road Patrol	• To develop a Winter Road Patrol policy by November 2002. • To amend Patrol guideline to ensure that the Level of Service Policy is understood, met and demonstrated.

Training	• Prepare training modules in the following subject areas as they become neeeded:
	  • Policy context
	  • Level of Service Policy
	  • Proper use of equipment and controllers
	  • Equipment calibration
	  • Interpretation of weather and pavement conditions and their use to make snow and ice control decisions
	  • Proper use of infra-red thermometers & RWIS
	  • When and how to apply chemicals
	  • Concepts and merits of use of liquid chemicals for pre-wetting and anti-icing
	  • Proper record keeping and review
	  • Good Housekeeping Practices
	  • Storm response & record keeping
	• Present the training in November of each year.

ACTIVITY	SUMMARY OF SALT MANAGEMENT GOALS
Snow Removal And Disposal Guideline	• To assess snow disposal requirements and existing disposal sites and determine required improvements by October 2003. • To develop a snow disposal plan by October 2003. • To implement the snow disposal plan as soon as feasible. • To monitor contaminants in melt water being discharged at snow disposal sites. • Use the Class EA as a guide for conducting environmental assessments for new disposal sites selection. • To establish pilot monitoring programme at selected snow disposal site by 2003. • To establish site management criteria of snow disposal sites by 2003.
Technology Transfer Review	• To ensure latest technologies are studied and reviewed and adopted as appropriate. • To participate actively on the Regional Road Salt Management Group. • To participate in other conferences and forums geared to development of salt best management practices. • Complete study of a FAST system on the Red Hill Creek Expressway. • To investigate the merit of GPS[2]/AVL.[3] • To investigate the merit of RWIS[4].
Communications	• Produce an annual brochure to inform the council, public and local regulatory agencies about the actions being taken by the Hamilton to reduce the environmental effects of excessive road salt use, and the City's winter maintenance program. • Provide information during training to allay worker's potential concerns over the use of the term "Toxic" as it relates to road salt under the Canadian Environmental Protection Act (CEPA). • Produce a summary of the Salt Management Plan for public and political consumption. • Identify a spokesperson to which the media can go with questions about the winter maintenance program. • Develop a communications strategy that responds to the needs of Council, the public and the media.
Environmentally Sensitive Areas	• Monitor Environment Canada's approach to addressing ESAs. • Identify salt sensitive areas within the City. • Develop strategies for reducing salt use affecting ESAs.

---

[2] GPS – Global Positioning System

[3] AVL - Automatic Vehicle Location

[4] RWIS - Road Weather Information System

ACTIVITY	SUMMARY OF SALT MANAGEMENT GOALS
	• Establish criteria and indicators for determining impact • Develop a monitoring program in accordance with guidelines being developed by Environment Canada.
Monitoring Program	• Develop a monitoring program as part of the EMS.

CLOSING

The City of Hamilton has committed to ensuring that its roads are properly maintained in accordance with its stated level of service policy. While doing so, the City has committed to reducing the environmental impacts of excessive use of snow and ice control chemicals, such as salt, while maintaining roadway safety.

The City's Salt Management Plan identifies how the City will implement a managed salt strategy over the next few years. The City will also monitor improvements in snow and ice control practices, and revise the plan as more salt best management practices become available.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

13.2

PUBLIC WORKS DEPARTMENT
Waste Management Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by**:	Peter M. Crockett, P.Eng. General Manager
Date:	March 28, 2003	**Prepared by:**	Adrienne Press Extension 5516

SUBJECT: Award of Contract C11-08-03, Supply and Delivery of Recycling Containers Option 2 - Supply and Delivery of 5,000 Wheeled Recycling Carts (PW03020) - (City Wide)

RECOMMENDATION:

That Contract C11-08-03 for the Supply and Delivery of 5,000 Recycling Carts be awarded to the lowest acceptable bid, SSI Schaefer System International Ltd., at a total contract price of $373,750.00 (includes all applicable taxes) to be financed by Capital Project #5120290114.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

Waste Management staff recommend that the contract C11-08-03 be awarded to SSI Schaefer System International Ltd. The total cost of the contract is $373,750.00 (includes all applicable taxes), which is included within the approved Capital Budget for Multi-Residential Recycling.

Schaefer is the lowest acceptable bidder that meets the specifications in the tender and that is compatible with the recycling collection vehicles used by our recycling contractor Halton Recycling Ltd. (HRL). SSI Schaefer is the current provider of recycling carts and there are already approximately 2,500 Schaefer carts being used within the City's multi-residential cart program.

BACKGROUND:

The Supply and Delivery of Recycling Containers Tender was issued on January 17, 2003 and closed on February 6, 2003. Bidders could bid on the supply and delivery of one, all, or any combination of the following recycling containers;

Option 1 - A minimum of 185,000 Recycling Boxes

Option 2 - A minimum of 5,000 Wheeled Recycling Carts

Option 3 - A minimum of 100,000 Recycling Bags

Bids for Options 1 and 3 were awarded through procurement award as the lowest bids received were selected for both options. Option 1 was awarded to SCL A-1 Plastics Ltd., lowest of 5 bids, and Option 2 was awarded to Multi Bag Inc., lowest of 1 bid.

The evaluation and award of Option 2 was found to be more complex. While staff have the authority to undertake the award, given recent procurement process concerns, it was determined that Council approval of the award was appropriate.

ANALYSIS OF ALTERNATIVES:

The specifications for recycling carts set out in the tender document included a range of parameters to ensure that the necessary qualities required were obtained. When evaluating the bids, they were scored with a 2, 1, or 0 for each specification, depending on the parameters set. If any cart fell outside the parameters set, it scored 0 and was disqualified. SSI Schaefer was the only cart to meet these specifications, however, it was not the lowest bid received.

Of highest importance is the ability for the carts to be emptied by the recycling trucks. Field testing of all the carts has shown that recycling carts and recycling collection vehicles are not standardized. Our recycling collection contractor, Halton Recycling Ltd., had advised us that any type of cart was compatible with their collection vehicles and the specifications in the tender were written accordingly. However, field tests that were performed by City staff and HRL confirmed that only SSI Schaefer and IPL Inc. carts could be tipped using multi-residential collection vehicles.

Although the cart manufactured by IPL is $2.57 per cart less than Schaefer, the IPL carts do not meet the specifications in the tender. The temperature range in which the cart must be resistant to bending, cracking and warping was not within specifications and the width of the cart was non-compliant with the specifications. Therefore, awarding the contract to IPL is not being recommended as they are not compliant within the specifications of the tender.

A total of six bids were received. In addition to the submissions from SSI Schaefer and IPL, bids were also received from Otto Canada, Diakon Molding Inc., Buckhorn Canada Inc., and Rehrig Pacific Company. The unit pricing is summarized in the following table:

UNIT PRICES			
Company Name	**0-5,000**	**5001-10,000**	**Specs Met**
SSI Schaefer System International Ltd.	$65.00	$65.00	Yes
Otto Canada	$52.77	$52.77	No
Diakon Molding Inc.		$56.18	No
Buckhorn Canada Inc.	$57.62	$57.62	No
Rehrig Pacific Company *(Standard wheel)*	$59.50	$59.50	No
Rehrig Pacific Company *(Rubber wheel)*	$61.25	$61.25	No
IPL Inc.	$65.37	$62.43	No

Assuming a purchase order is issued in April, containers will likely be received starting in the middle of May and ending in late June. We will begin implementing the multi-residential program once the containers are received.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds for the purchase of the carts are available in the Multi-Residential Capital Budget, Project #5120290114.

POLICIES AFFECTING PROPOSAL:

The policies directly affecting waste diversion programs are those in the Solid Waste Management Master Plan. A full scale recycling program for multi-residential facilities will divert waste from the landfill and support the following:

- Contributing to the optimization of the capacity of the Glanbrook landfill by removing the recyclables from the waste stream;
- Contributing to the 65% diversion target by 2008; and
- Supporting continuous improvement to the waste management system.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Waste Management staff has consulted with the Purchasing Division and Finance staff who support the recommendation in this report.

CITY STRATEGIC COMMITMENT:

Hamilton's Mission, Vision, Values and Goals Statement

Waste diversion programs including the blue cart program are consistent with Hamilton's Mission, Vision, Values and Goals Statement.

Effective solid waste management supports the City's vision for "...a safe, healthy, sustainable community...". The reduction and diversion of waste preserve the life of and sustain the landfill for use further into the future.

The expanded multi-residential recycling program contributes to the fulfilment of several of the City's goals, including:

- VISION 2020 (to be addressed below);
- A healthy, safe and green City;
- Reducing waste going to the landfill;
- Best practices - best value, balance service provision and programs with long term benefit of landfill life.

Sustainable Development - VISION 2020

The multi-residential blue cart program contributes to fulfilling the goal of managing waste safely and responsibly. It is also consistent with several of the specific Strategies for a Sustainable Community for Reducing and Managing Waste, including a comprehensive waste management plan that focuses on the reduction of curbside waste and the diversion of waste for reuse and recycling, and enhancing diversion programs and increasing participation.

AFFECTS WARD 1

13.3

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Capital Planning & Implementation Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	March 28, 2003	**Prepared by:**	Susan Jacob Extension 2621

SUBJECT: Partial Award to Fulfil Contract TOE-02-34(HSW) - Road and Sidewalk Reconstruction, Watermain Replacement and Sewer Repairs on Baker Street from Dundurn Street to West end and Hunt Street from Dundurn Street to Breadalbane Street (PW03021) - (Ward 1)

RECOMMENDATION:

(a) That the appropriation in Capital Budget project no. 5140271247 (Hunt - Baker - Sunset - Lochearne) be increased by $110,000 from $148,000 to $258,000 and that the increased funding be financed by a transfer of $110,000 from Capital Budget project no. 5149662627 (Purchases Easements - Water); and

(b) That the contract listed below be awarded on a unit price basis in accordance with the specifications issued by the General Manager, Public Works Department, and that the works associated with this award be charged to the Capital Budget accounts outlined on the attached Schedule A - Tender Information Summary.

TOE-02-34(HSW) (Award of final portion)
Road and sidewalk reconstruction, watermain replacement and sewer repairs on Baker Street from Dundurn Street to west end and Hunt Street from Dundurn Street to Breadalbane Street.

969774 Ontario Limited o/a Elgin Construction
$557,985.25 (includes $50,000 Contingency and $36,503.71 G.S.T)

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

Contract TOE-02-34(HSW) provides for the construction of road and sidewalk reconstruction , watermain replacement and private drain repairs on Baker Street from Dundurn Street to west end and Hunt Street from Dundurn Street to Breadalbane Street.

An appropriation increase, which exceeds 10% of the project budget, is required for the watermain replacement. Therefore, the Contract TOE-02-34(HSW) was undertaken as a partial award in October 2002 in accordance with the purchasing policies.

BACKGROUND:

Contract TOE-02-34(HSW) which includes watermain infrastructure improvements along Lochearne Street, Sunset Avenue, Baker Street and Hunt Street from Dundurn Street to Breadalbane was tendered in September 2002 to replace the ageing infrastructure and to improve the supply of potable water to area residents.

A partial award of the contract was done in 2002 to the lowest bid from Elgin Construction for the road and sidewalk construction along Lochearne Street from Dundurn to the west end and Sunset Avenue from Dundurn Street to Breadalbane Street, in accordance with the tender documents and the purchasing policy. The Contractor has agreed that there will be no change in the contract prices for the parital award.

The watermain tender values have exceeded the project budget by approximately $124,000. Staff have reviewed the tendered prices and have determined that the additional increase in the project budget is associated with costs relating to additional waterworks (approximately $54,000) than originally anticipated and higher costs relating to watermain construction ($70,000).

ANALYSIS OF ALTERNATIVES:

Following are the alternatives, that may be considered:

(1) not proceeding with the award of the final portion of the project on the Baker Street from Dundurn Street to the west end and Hunt Street from Dundurn Street to Breadalbane Street.

(2) awarding the final portion of the Contract TOE-02-34(HSW) funding the increase required for the watermain construction.

As the award of this contract is recommended to provide needed watermain infrastructure replacement on Baker Street and Hunt Streets that will improve the supply of potable water to area residents, and the appropriation increase required can be accommodated without impacting on the delivery of other watermain projects in the Capital Budget. It is recommended that the final portion of the Contract TOE-02-34 (HSW) be awarded at this time.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The appropriation increase for Capital Budget project no. 5140271247 (Hunt - Baker - Sunset - Lochearne) can be financed from 5149662627 (Purchases Easements - Water).

POLICIES AFFECTING PROPOSAL:

The award of this contract will not affect corporate policies.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The following were consulted in the preparation of this report:

- Asset Management

CITY STRATEGIC COMMITMENT:

The road and sidewalk reconstruction, watermain replacement and sewer repairs on Baker Street from Dundurn Street to west end and Hunt Street from Dundurn Street to Breadalbane Street is in accordance with Council's strategic goal for a healthy, safe and green city.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

13.4

PUBLIC WORKS DEPARTMENT
Capital Planning & Implementation Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	March 28, 2003	**Prepared by:**	Mary Lou Tanner Extension 5101

SUBJECT: Niagara Transportation Needs Assessment Study and Mid Peninsula Highway Draft EA Terms of Reference (City Wide) (TOE02112(b))

RECOMMENDATION:

(a) That the Ministry of Transportation be advised that the City of Hamilton strongly supports the need for the proposed Mid Peninsula Highway in terms of long term transportation needs to address congestion, economic growth, and the long term land use framework for the City of Hamilton;

(b) That the Ministry of Transportation be advised that the City of Hamilton concurs with the technical transportation conclusions of the Niagara Peninsula Transportation Needs Assessment Study;

(c) That the Ministry of Transportation be requested to resolve the City of Hamilton comments, as outlined in this report, regarding the Draft (January 31, 2003) Environmental Assessment Terms of Reference for the proposed Mid Peninsula Highway, relative to the following issues:

EA Terms of Reference - use of Appendices vs. Supporting Documentation in the EA submission;
Public Consultation Strategy
Independent Peer Review by MTO during the EA;
Environmental Screening Issues;
CEAA Integration of the Provincial EA;
Timelines for Submission of Comments;
Compliance with the Draft Guide for Terms of Reference for Environmental Assessments (MOE, December 2000).

(d) That staff be authorized and directed to work with the Ministry of Transportation and Ministry of Environment to address the issues contained in this report for the Draft Environmental Assessment Terms of Reference;

(e) That staff be authorized and directed to request mediation of the submission of the Environmental Assessment Terms of Reference for the proposed Mid Peninsula Highway should the Ministry of Transportation not satisfactorily address the issues identified in this report; and,

(f) That a copy of this report be forwarded to the Minister of Transportation and the Minister of the Environment for Ontario, Local MPP's and MP's and the Regions of Niagara and Halton.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The Ministry of Transportation released a revised Niagara Peninsula Transportation Needs Assessment and Draft Terms of Reference for the Environmental Assessment for the proposed Mid Peninsula Highway on January 31, 2003. Staff received the documents on February 4, 2003 that are comprised of:

- Environmental Assessment Terms of Reference Document
- Appendix 1 - Environmental Work Programs
- Appendix 2 - Revised Niagara Peninsula Transportation Needs Assessment Study

This report is in two parts: Part A report provides an update on the review of the document and recommends that Council:

(a) concur with the technical transportation conclusions of the Niagara Peninsula Transportation Needs Assessment Study; and,

(b) strongly support the need for the proposed Mid Peninsula Highway for transportation, economic and land use reasons related to the future growth and development of the City of Hamilton.

Part B addresses the Draft Environmental Assessment Terms of Reference and recommends that the City identify issues with the approach taken by MTO at this time.

This report contains two components: the technical review of the Niagara Peninsula Transportation Needs Assessment Study and the review of the Draft Environmental Assessment Terms of Reference. The review of the Needs Assessment study indicates that, on a technical transportation basis, staff is satisfied with the work and concurs with the transportation conclusions. There are issues within the Needs Assessment document, however, related to the environmental approach and these are outlined in this report. With regard to the Draft EA Terms of Reference, staff has issues with the approach being proposed by the Ministry of Transportation and have communicated this in writing to the Ministry staff. Hamilton and MTO staff have met and corresponded on approach. However, there are outstanding issues with the Draft EA Terms of Reference and these are identified in this report. Staff recommends that the City identify the issues with the approach in the

EA Terms of Reference and that Council provide direction to staff to work with MTO and MOE to address the outstanding issues from the City's perspective.

BACKGROUND:

Part A - Needs Assessment Study

Reference is made to Council Reports TOE02112 and TOE02112(a) (refer to attached) which document and detail the history and background of the Niagara Peninsula Transportation Needs Assessment (NAS) from the April 2000 project initiation through to the November 22, 2002 commencement of public consultation on the Draft EA Terms of Reference.

Staff has reviewed the revised document against previous comments/concerns submitted by the City to MTO, the comments provided by the Peer Review Consultants and also the Minutes of the October 15, 2002 meeting with MTO. Staff has found the revised document to represent a significant increase in the documentation of the additional analysis carried out by the Ministry in response to the concerns/comments submitted.

The NAS identifies a total of 44 separate recommendations for improvements to the transportation systems in the golden Horseshoe. At this time MTO have chosen to proceed with one recommendation, that being the Mid Peninsula Highway. A significant addition to the document is the inclusion of Section D Facility Implementation Strategies. This section provides an analysis of the implications of tolling on the various sections of the proposed highway. This analysis was carried out at a feasibility level as opposed to an "investment grade" level. Based on the analysis, traffic volumes on the corridor in the Hamilton area are less affected by the imposition of tolls due to capacity constraints on the surrounding road network.

Staff has also expressed concern at the continued inclusion of Alternatives "G" and "H". The concerns with these alternatives are that both do not address the transportation problem statement and will require significant upgrades to both Highway 403 and Highway 6 respectively. During a recent meeting between Staff and the Ministry this issue was raised several times in an effort to develop a strategy to ensure a proper and thorough review of all alternative routes would be undertaken. While staff continues to disagree with the inclusion of these corridors, we feel that their inclusion at this time does not negate the conclusions of the NAS with respect to the transportation issues for the Hamilton area. Staff believes that when scrutinised in greater detail during the EA Stage these corridors will be screened out.

The Draft EA Terms of Reference is not clear on the role of the corridors identified in the Needs Assessment Study. In meeting with MTO staff and URS Cole Sherman (MTO's consultants), it was pointed out by MTO staff that the corridors were for the purposes of the Needs Assessment Study. However, in the Draft EA Terms of Reference, MTO is proposing to use a study area that encompasses the four corridors. That is, there will be a defined study area in which routes will be identified. A preferred route for each corridor will be determined and then the four routes will be evaluated with a preferred route being selected. Staff has requested that this be clarified in the Draft EA Terms of Reference as this is the interpretation from the meeting but it is not currently borne out in the Draft EA Terms of Reference.

Staff continues to raise concerns on the manner in which the environmental review was conducted in the Needs Assessment Study. This study essentially looked at transportation issues first and made technical transportation planning/engineering decisions on the options. Only at this point were environmental factors (the natural, social, and economic environment) considered. A continuing point of concern is the fact that MTO chose not to use the environmental criteria listed in the Provincial Policy Statements (PPS) issued under the Ontario Planning Act. While the PPS is not binding on MTO, use of these criteria at least demonstrate a commitment to public policy and a willingness to address stakeholder concerns on environmental criteria. This is more of a concern as it relates to the planning process and how MTO will deal with future planning processes and will be addressed in the section of this report on the Draft EA Terms of Reference.

In conclusion, the approach taken by MTO, and refined by the Peer Review comments, has demonstrated the need for the technical transportation solutions identified in the Niagara Peninsula Transportation Needs Assessment Study. On this basis, staff concur with the transportation recommendations.

The proposed Mid Peninsula Highway is the first of the recommendations from the Needs Assessment Study to be carried forward for implementation. At this point in time, there is clear direction on implementation of some of the other recommendations. However, the proposed Mid Peninsula Highway is a project that will benefit the City of Hamilton in terms of long term transportation needs to address congestion, economic growth, and would be tied to the City's long-term land use framework. On this basis, staff strongly support the need for moving forward with the Environmental Assessment for the proposed Mid Peninsula Highway.

Part B – Draft Environmental Assessment Terms of Reference

MOE Terms of Reference Process

MTO has released the Draft EA Terms of Reference for comments. Initially MTO requested comments from agencies by March 17, 2003. Many agencies raised concerns given the short timeframe for review (approximately five weeks). To address these concerns, the review period was recently extended to April 30, 2003. The comments in this section of the report deal with the Draft EA Terms of Reference. Once comments are received from all agencies and the public, MTO will revise the EA Terms of Reference where they feel it appropriate and then submit the EA Terms of Reference to MOE for approval.

The Terms of Reference (ToR) for the Environmental Assessment for the proposed Mid Peninsula Highway is a requirement of the Ontario Environmental Assessment Act. The ToR must be submitted for approval to the Minister of the Environment. Once the ToR is submitted, the Ministry will invite comments for a period of five weeks. Public and agency comment will be invited at that time. The regulations under the Environmental Assessment Act stipulate that the Ministry has twelve weeks to review the ToR (including the five week review period). MOE staff will then file a recommendation with the Minister. The Minister makes the decision on whether to approve the ToR (with or without amending it), deny the ToR, refer the ToR to mediation, or refer the ToR to the Environmental Review Tribunal.

Review of Draft EA ToR

Staff received three documents that comprise the Draft Terms of Reference:

- Environmental Assessment Terms of Reference Document
- Appendix 1 – Environmental Work Programs
- Appendix 2 – Revised Niagara Peninsula Transportation Needs Assessment Study

Staff has reviewed the Draft EA ToR on the basis of the following: good EA practice; the revised Needs Assessment Study; and the Draft Guideline for Preparing a Terms of Reference for Environmental Assessments (December 15, 2000, Ministry of Environment). On February 17, 2003, City staff forwarded a letter to MTO outlining the staff issues with the Draft EA ToR. A meeting was held with MTO staff and their consultants on March 10, 2003 at which time many of the issues in the February 17, 2003 letter were assured to be resolved. The City is awaiting a written response from MTO outlining the understanding reached at that meeting. The unresolved issues with the EA ToR are outlined below and are significant.

The Revised Needs Assessment Study and the Draft EA Terms of Reference were also reviewed by the Peer Review Consultants (iTrans et al) jointly hired by the City of Hamilton and the City of Burlington. There is no significant difference between the comments in this report and the Peer Review Report on the Revised Needs Assessment and Draft EA Terms of Reference.

(a) EA ToR Submission

The Terms of Reference Guideline (MOE, December 2000) distinguishes between an "Appendix" to a Terms of Reference and "supporting documentation" to a Terms of Reference. Essentially, an Appendix becomes a part of the Terms of Reference and becomes binding if approved. That is, all information in an Appendix is considered to be part of the requirements to be fulfilled in the EA process. This is a double-edged sword: while it provides detailed information on the work to be completed during the EA, it also means that there cannot be any changes to that work as an approved ToR cannot be amended.

Conversely, "supporting documentation" is not considered to be part of the approval of the ToR. Rather, it is considered to be information for purposes of the EA. The advantage is that the proponent can make alterations to the work plans, as identified in the supporting documentation, during the EA process. This becomes especially important when new issues are discovered that could not have been foreseen during the EA ToR preparation. This is fairly common in environmental planning – consultation and discussion with stakeholders, citizens, and agencies leads to issues that should be included. There needs to be a process to address this flexibility and it is for this reason that the MOE Draft Guide recommends "supporting documentation".

MTO has chosen to submit "Appendices" as opposed to "Supporting Documentation". Staff does not agree with this approach and have requested MTO to submit them as "Supporting Documentation". MTO is awaiting clarification from MOE on the difference between an Appendix and Supporting Documentation. However, the concerns are that the work plans, as approved, bind MTO to a work plan that may in fact need to change. There is no process to change the work plan under the EA Act.

MTO has verbally taken the position that the Appendices are their minimum commitment; however, this has not been documented by MOE. This issue needs to be clarified to the City's satisfaction, such that there is flexibility in the work programs and an ability to improve upon them as required.

Further, as identified above, MTO has been hesitant to include environmental issues in the Needs Assessment Study when these issues have been identified by stakeholders. There is concern that a similar approach will occur should an EA ToR be approved for this project. This is a second reason to identify the concerns with the approach being taken by MTO.

(b) Public Consultation Strategy – ToR Submission

The public consultation strategy outlined in the EA ToR lacks in scope. MTO is relying on Public Information Centres as the main venue to address the public concerns. There will also be a project web site and undefined "follow up" activities.

Our experience on the public consultation on the Needs Assessment Study and the EA ToR has lead to the conclusion that the PIC approach is one element of consultation but should not be the only means of consultation. It is clear that there are many stakeholders who have legitimate community interests in the proposed Mid Peninsula Highway Environmental Assessment. One such alternative would be to establish an Advisory Group to staff and Council for the EA on the proposed Mid Peninsula Highway. This group would reflect the breadth of community interests (rural/urban; agricultural; industry; transportation; environmental; the geographic communities in the City) and would be a stakeholder interest group to which the MTO project team would provide ongoing consultation and updates. Burlington has established such a group and finds the process beneficial; Durham Region has also established such a group for MTO projects in that Region. At the same time, it is recommended that the EA process include a regular update for Council and senior staff by MTO and their consultants on the project. This will provide information in a manner that will allow Council members and senior staff to be briefed on the project, its status, and issues.

Experience with the Municipal Advisory Group for technical staff discussion has lead to the conclusion that this group, as currently structured, is not as effective as it could be. In particular, a clearer definition of representation (who is and who is not on the group), who represents a particular municipality and how discussion and decisions are made would be beneficial to the process. Compounding this is the fact that Hamilton is an amalgamated municipality while our partners in Niagara and Halton are not. A second issue with the current Municipal Advisory Group format is the meeting timing and notification process. Our experience has been that meetings are often called at very short notice with no flexibility in timing or location. MTO staff acknowledged that there is room for improvement in the Municipal Advisory Group format. A Municipal Advisory Group is beneficial; however, it would be a better starting point to have the member municipalities work out their process rather than MTO define the process and work of the Municipal Advisory Group. Staff recommends that Council advise the MOE of this, that there is an expectation that a properly functioning Municipal Advisory Group, as defined by the member municipalities, be set up. What is clear from the process to date, which was defined by MTO and not the municipal staff, is that the process does not meet the needs of the City of Hamilton.

The Needs Assessment and EA ToR process has included a significant volume of information on the project. This can reasonably be expected to continue through the EA process. MTO has used its project web site to provide document availability; at the request of municipalities, documents have been filed in one municipal office and one library. In Hamilton's case, these locations have been the Public Works Department office in the Hamilton City Centre and the Central Public Library. Staff has raised concerns regarding this with MTO as the two sites are about as far from the study area as could be identified in the City. A request to place hard copies of the documents in the seven libraries and five municipal service centres in the study area has not been received favourably. Staff believes it is important that members of the public have access to the documents in their own communities. Thus, it is recommended that Council request MTO and MOE, if necessary, to include this requirement in the EA ToR.

(c) Peer Review – Environmental Assessment Work Program

In June of 2001, Council adopted the staff report on the Needs Assessment Review Process and the preparation of the EA ToR process. Included in this was a request that MTO fund an independent peer review of the work. MTO declined. Subsequently, the City of Burlington joined with Hamilton to undertake a joint peer review of the Needs Assessment Study. This peer review had a total cost of approximately $100,000 and is currently wrapping up. The peer review report on the Draft EA Terms of Reference will be forwarded to MTO. The peer review has been beneficial to staff and to Council in providing an independent analysis of the Transportation Needs Assessment and the EA ToR and its associated documents. The independent peer review is one of the "checks and balances" for a good planning process. There continues to be a need for an assistance to supplement staff resources, particularly as there has been diverging opinions on the technical issues. This can be expected to continue through the EA process. Staff recommends that Council include in its comments to MOE a requirement that MTO fund an independent peer review through this work.

For Council's information, should this not be part of the approved ToR, staff will report back to Council on how the technical review of this work should be addressed. This could include the City undertaking its own independent peer review, which would likely include the hiring of consultants.

(d) Environmental Screening Issues

This section of the report identifies issues with the environmental work program in the Draft EA Terms of Reference. As proposed by MTO, these work programs are Appendices to the ToR and would be the legal requirements, with no amendments, of the EA.

Data Collection:

The initial work in the EA proposes to use secondary data sources and professional judgement. At the time of assessing a preferred route, detailed field inventory work and primary research will be done. This is too late in the process to undertake this work. Good EA practice includes the baseline information through primary research and field work, where necessary, in the early part of the work program. This information should be utilized during the route screening process so that the most complete environmental information is part of the screening of the alternative routes. In addition, it is known that there is a variance in the quality and depth of the secondary data sources for the City of Hamilton. As the GRIDS and Official Plan processes unfold, more detailed information will be available to address any current data issues. MTO's process needs to recognize the data collection work that will be done in the next two years as part of GRIDS and the Official Plan.

Socio-Economic Work Program:

As identified in the Data Collection issue, the Socio-Economic work program would benefit from the development of a socio-economic profile of the study area. This would establish the baseline information for the study. Beyond this, the socio-economic impact assessment described in the Draft EA Terms of Reference is more oriented toward the land acquisition for the proposed Mid Peninsula Highway, in contrast to impacts from the highway once it is operational. It is recommended that the following additional objectives be included:

- Minimize the number of properties disrupted by direct and indirect effects of highway construction;
- Maximize tourism goals and objectives for the area;
- Minimize disruption to other linear facilities such as pipelines, hydro corridors;
- Minimize the potential disruption to recreational activities, trails, Conservation Areas, and recreation experiences;
- Avoid burial sites.

Environmental Work Program:

The screening of corridors in the Needs Assessment Study did not take into account a number of environmental factors. The screening in this portion of the work considered only those transportation solutions that solved the transportation problem; no solutions were screened out on the basis of environmental criteria. The peer review identified concerns with the environmental criteria and the approach as well as the fact that MTO was choosing not to use the environmental criteria identified in the Provincial Policy Statements of the Ontario Planning Act. These concerns remain with the revised Needs Assessment.

The following is a summary of the environmental work program issues with the Draft EA Terms of Reference:

Groundwater Quality and Quantity - The Draft EA ToR is focusing on the length of area for susceptibility to groundwater contamination. This is not an accurate indicator of potential impacts. The indicator would be more accurate if it identified the number of streams and wells that could potentially be impacted as this will also begin to identify areas of potential mitigation.

Surface Water Quality and Quantity - MTO proposes to count the number of watercourses for each alternative. This does not address issues such as encroachment into sensitive headwaters, amount of channel alteration required, amount of riparian vegetation that will be removed, implications on rare and vulnerable, threatened or endangered species and specialized habitat, and differentiation between cold and water fisheries.

Wetlands - Only provincially significant wetlands are considered. This should be broadened to include those wetlands of local significance, as well.

Unique Spaces - The Niagara Escarpment is identified as the only unique space. While this is correct, there are locally significant spaces identified through work such as the Regional Greenlands Strategy and the work of the Conservation Authorities. These should be included in the analysis.

Habitat Issues - The criteria, as currently stated, would not deal with impact on the significant habitat (e.g. ANSI's, ESA's, woodlands, vegetation, wildlife habitat) but simply identify the significant habitat within a given route. A clarification on these criteria is needed as the potential impacts of a highway on a habitat feature differ depending on the features. The proposed criteria generally count the number of habitat features and do not address quality issues of the impact nor the particular features impacted. This should be corrected.

Cumulative Effects Analysis:

The cumulative effects analysis is required as part of the Canadian Environmental Assessment Act. There is concern that the cumulative effects analysis, as proposed, is not complete. The cumulative effects analysis should examine the highway function as it relates to economic growth, land-use pressures, and the impacts/pressures on the natural areas and their function. For example, new highways tend to create land development pressure and, when integrated with good land use planning, can be tools for economic growth. At the same time, managing the impacts of a new highway with regard to land development pressure and the natural environment is part of the impact of the highway when it is operating. The cumulative effects impact, as proposed, would not analyze these impacts and it is recommended that the analysis be broadened as outlined in this section.

First Nations Criteria:

MTO staff met with First Nations representatives regarding the Needs Assessment Study and the Draft EA Terms of Reference. The Draft EA Terms of Reference does not include the issues/criteria identified by the First Nations representatives and this should be corrected. This should include minimizing the disruption of First Nations and areas significant based on traditional knowledge.

(e) Integration - Canadian Environmental Assessment Act ("CEAA")

The ToR, if approved, will set out how MTO is to conduct the EA for the Mid Peninsula Highway. One component that is not included in the Draft EA ToR is how MTO will integrate the CEAA requirements with the EA process they will use under the Ontario legislation. This needs to be clarified. Should MOE approve the ToR without the CEAA requirements, there will be no required coordination between these two pieces of legislation and MTO could complete their legislative requirements under separate EA processes. It is beneficial to have all requirements addressed at once – for the project, for the public, and for the agencies.

(f) Timelines for Submission of Council comments

Experience on the Needs Assessment review and Draft EA ToR review has shown that MTO is setting tight timeframes with no ability to extend the timeframes to address identified concerns. Many agencies have expressed concerns regarding the timeframe for submission of comments on the Draft EA ToR. For the City of Hamilton, the reporting cycle to Council is such that is often not possible to provide a report to Council within MTO's timeframes. For example, this report is being written prior to the formal submission of the EA ToR as the MOE review period will conclude prior to staff having the opportunity to review the document and report to Council. We have written to MOE to request an extension of the timeframe for public and agency comment on the EA ToR. It is important that Council be apprised of the issues, have the opportunity to debate the issues, and provide a formal Council position. The current time frames are not realistic for municipalities – other municipalities are "walking on" reports to their Councils to meet the MTO deadlines.

The experience with the Needs Assessment and EA ToR consultation process has shown that MTO has not been realistic in timeframes and deadlines for comments on their documents. MTO is also not flexible when timing issues, such as reporting to municipal Councils, have been raised. Consequently, it is important that the EA ToR reflect the timeframes for stakeholders to consult with their communities, ensure a proper technical review, and Council debate. Consequently, it is recommended that Council request MOE to provide a minimum ninety day review period for all released documents as part of the EA.

(g) Requirements of Draft Guide for Individual EA's (MOE, December 2000)

The Draft Guide on EA Terms of Reference, released by MOE in December 2000, contains requirements for proponents in their EA ToR's. There are two components that need to be included that to date are absent: a monitoring strategy and a flexibility plan. The monitoring strategy is the mechanism by which the project team, stakeholders, agencies, and the community can ensure that the project is being completed as devised. The flexibility plan is to identify how the proponent will address issues that may arise during the EA process. As both of these are absent from the Draft ToR, it is recommended that MOE be requested to include these in the ToR.

Summary of Issues:

The Draft EA Terms of Reference has been reviewed by staff of the City and the Peer Review consultants. The following is a summary of the issues that need to be addressed, from the City of Hamilton's perspective:

- EA Terms of Reference – use of Appendices vs. Supporting Documentation in the EA submission;
- Public Consultation Strategy
- Independent Peer Review by MTO during the EA;
- Environmental Screening Issues;

- CEAA Integration of the Provincial EA;
- Timelines for Submission of Comments;
- Compliance with the Draft Guide for Terms of Reference for Environmental Assessments (MOE, December 2000).

Our experience with the Needs Assessment Review has shown that it was improved because of the Peer Review and staff time spent on the review and discussions with MTO. The Draft EA Terms of Reference would also benefit from a similar review and incorporation of comments and concerns.

ANALYSIS OF ALTERNATIVES:

Part A – Needs Assessment Study

There are two options Council has in taking a position on the Niagara Peninsula Transportation Needs Assessment; concur with the transportation conclusions; not concur with the transportation conclusions.

- Concur With the Transportation Conclusions

  By concurring with the Transportation conclusions Council would be providing a position with respect to a total of 44 separate recommendations dealing with improvements to the transportation systems in the Golden Horseshoe Area. This is the recommendation of staff.

- Not Concur With the Transportation Conclusions

  Council could take this position on the Niagara Peninsula Transportation Needs Assessment. It is unlikely that MTO would terminate the process as a result of Council not concurring with the transportation conclusions of the Needs Assessment. This is not the recommendation of staff.

Part B - Environmental Assessment Terms of Reference

There are three options Council has in taking a position on the Draft EA Terms of Reference: provide MTO feedback on their Draft EA Terms of Reference approach regarding City issues, support the Draft EA Terms of Reference or not support the Draft EA Terms of Reference. The ultimate decision regarding changes to the Draft EA ToR rests with MTO, based on the MOE staff review, public and agency comments.

- Feedback on MTO Approach/City Issues

  This is the recommended approach as the outstanding issues are significant and will determine whether the EA, if the ToR is approved, will be done on a good planning basis, with appropriate consultation, and a means to address issues that arise during the EA. In pursuing this approach, staff will continue to work with MTO to incorporate these issues into the EA ToR that will be submitted for approval. In the event that these issues are not resolved, the recommendations in this report give staff the authority to work with MOE, through the mediation process, if required, on the submitted ToR. This is the preferred process as it places the decision making in the appropriate forum to address the City's concerns.

- Support the EA Terms of Reference

  It is not recommended that Council support the EA ToR at this time. The ToR is presents a work plan and partially addresses the requirements of the EA Act. However, there are significant issues for the City of Hamilton that are not resolved. Supporting the EA ToR as proposed would not provide an opportunity to have the issues addressed that specifically affects the City of Hamilton.

- Not Support the EA Terms of Reference

  Council could pass a resolution not supporting the Draft EA Terms of Reference. This is not recommended as it is appropriate to work with MTO and MOE to develop an appropriate EA Terms of Reference to support good planning.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

At this time, the Financial; Staffing; and Legal Implications are not fully known. It is expected that staff time will be required during the Ministry of Environment review of the submission for the EA ToR.

In terms of Financial implications, it must be recognized that independent expert advice will be required during the EA process. This is dependent on the outcome of our submission that an independent peer review should be part of the EA. However, in the event that this request is not included in any approval of the EA ToR, staff will bring another report forward on the funding issues related to this element of any approval of the EA ToR.

POLICIES AFFECTING PROPOSAL:

Not applicable

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

- Long Range Planning and Design, Planning & Development

CITY STRATEGIC COMMITMENT:

The Council position on the Needs Assessment Study and EA ToR is consistent with Council's Goals of providing appropriate infrastructure while balancing the environmental goals of Council.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

Attachment to TOE02112B

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Infrastructure & Environmental Planning

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	June 3, 2002	**Prepared by:**	Chris Murray Extension 2343

SUBJECT: Mid Peninsula Highway (TOE02112) - (City Wide)

RECOMMENDATION:

(a) That the Ministry of Transportation be asked to consult with the citizens of Hamilton on the Niagara Peninsula Transportation Needs Assessment Study findings and address community issues and concerns related to that study before initiating the Mid Peninsula Highway Environmental Assessment Terms of Reference.

(b) That when the aforementioned is complete Council pass a resolution confirming its position on the Needs Assessment Study.

(c) That the Ministry of Transportation be asked to design and implement a community consultation program for the Environmental Assessment Terms of Reference process that is more inclusive and responsive to stakeholder issues.

(d) That the Ministry of Transportation be asked to consider funding a 3 to 5 member Peer Review Panel of respected transportation and community planning leaders to consider Needs Assessment and Terms of Reference issues raised by all stakeholders and provide helpful advice to the Province before the Terms of Reference is submitted to the Ministry of Environment and Energy.

(e) That the Mayor invite the Chairs and senior staff of Niagara and Halton to meet at milestone events to discuss Mid Peninsula planning activities and provide cogent advice to the Province regarding the planning of this major transportation corridor.

(f) That a representative of the Ministry of Transportation be invited by staff to make a presentation to Hearing Sub-Committee on the Mid Peninsula Highway study.

Peter M. Crockett, P.Eng., General Manager
Transportation, Operations & Environment

ATTACHMENT TO TOE02112B

EXECUTIVE SUMMARY:

In April 2000, the Ontario Ministry of Transportation (MTO) initiated The Niagara Peninsula Transportation Needs Assessment Study in consultation with staff from the Region of Niagara and the former Region of Hamilton-Wentworth. It was understood at the time that boarder community consultation would be undertaken if the needs assessment study determined a major change to the provincial transportation system was technically warranted.

Results of this work were documented in an Executive Summary issued June 2001. Recommended transportation improvements included a new mid-peninsula four lane Highway connecting the QEW in Niagara between Niagara Falls and Fort Erie, westward south of the Hamilton International Airport, and then around Hamilton connecting to Highway 407 in Halton. Widening of the QEW is also recommended in the long term (i.e., after the Mid Peninsula highway is built).

MTO is now initiating the Needs Assessment review and developing the Environmental Assessment Terms of Reference for the Mid Peninsula highway. To ensure the timely completion of this work and the subsequent EA, it's important for this process to be inclusive, informative, responsive and transparent. To this end it is recommended that the City asks MTO to consider the following:

1. The Ministry of Transportation consult with the citizens of Hamilton on the Niagara Peninsula Transportation Needs Assessment Study findings and address community issues and concerns related to that work before initiating the Mid Peninsula Highway Environmental Assessment Terms of Reference. The Needs Assessment Study should be regarded as the foundation upon which the Terms of Reference are built. Overlapping the two exercises may undermine the integrity of the planning process.
2. When the aforementioned is complete Council should pass a resolution confirming its position on the Needs Assessment Study. At this point staff and the community will be in a position to offer fully informed opinions on the need for a new highway and the expansion of the QEW.
3. That the Ministry of Transportation design and implement a community consultation program for the Environmental Assessment Terms of Reference process that is more inclusive and responsive to stakeholder issues. With the need established, route-planning activities must be responsive to the natural, social, economic, cultural and technical issues that a new roadway will generate. The City's recommendation is meant to build on the Ministry's proactive approach to consultation.
4. That the Ministry of Transportation consider funding a 3 to 5 member Peer Review Panel of respected transportation and community planning leaders to properly consider Needs Assessment and Terms of Reference issues raised by all stakeholders and provide helpful advice to the Province on how to move forward. This will serve as a sign to decision-makers that the process was inclusive, informative, responsive and transparent.
5. That the Mayor invite the Chairs and senior staff of Niagara and Halton to meet at milestone events to discuss Mid Peninsula planning activities and provide cogent advice to the Province regarding the planning of this major transportation corridor. Co-operation amongst the major municipal governments will be key to the efficient and effective resolution of this transportation planning initiative.

6. That a representative of the Ministry of Transportation be invited by staff to make a presentation to Council on the Mid Peninsula Highway study. This will provide Council an opportunity to better understand how the Needs Assessment and EA Terms of Reference processes will meet the needs of our citizens.

BACKGROUND:

The information/recommendations contained within this report have City wide implications.

In April 2000, the Ontario Ministry of Transportation (MTO) initiated The Niagara Peninsula Transportation Needs Assessment Study in consultation with staff from the Region of Niagara and the former Region of Hamilton-Wentworth.

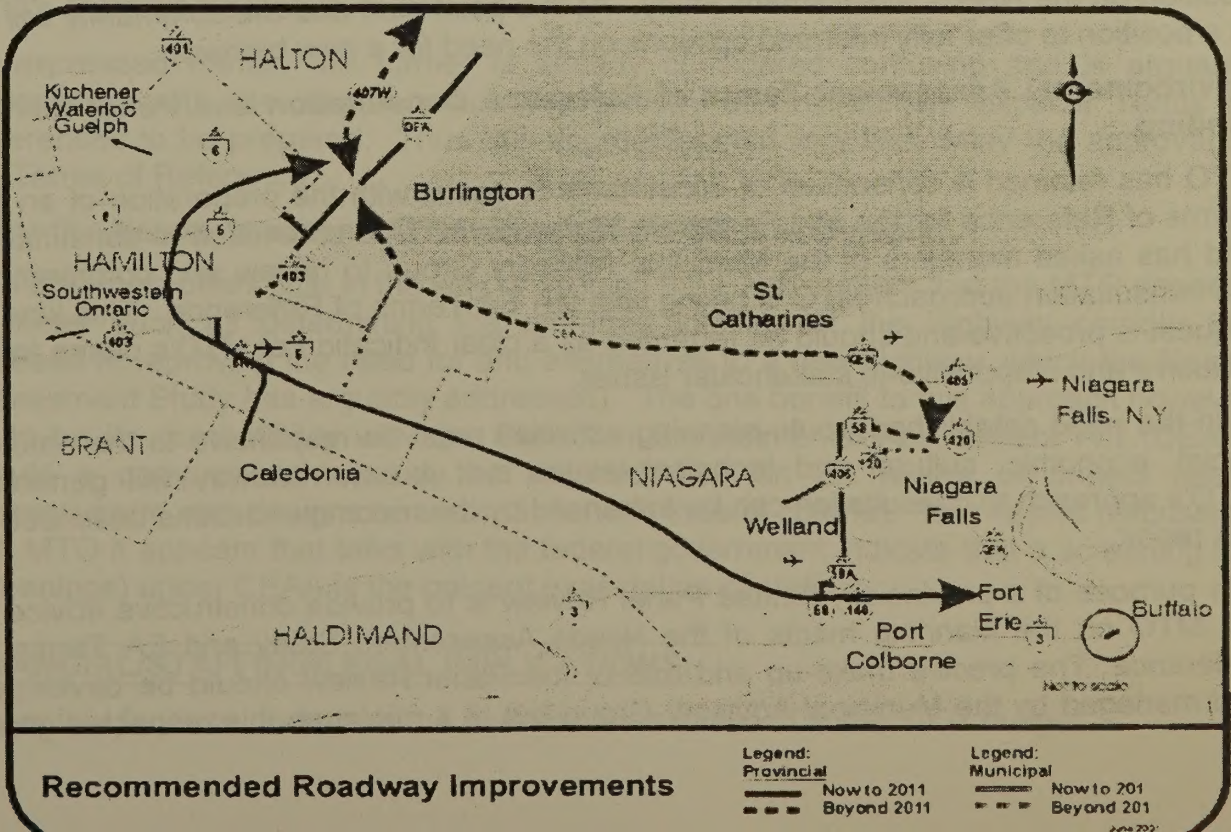
Results of this work were documented in an Executive Summary issued June 2001 describing the technical need, justification, and proponency for transportation improvements through the Niagara Peninsula. In total, MTO identified 44 short, medium and long-term recommendations. Recommended improvements included roadways, transportation systems management, travel demand management and transit, passenger rail service, and ferry service. As indicated the "centrepiece" is a new mid-peninsula four lane roadway connecting the QEW in Niagara between Niagara Falls and Fort Erie, westward south of the Hamilton International Airport, and then around Hamilton connecting to Highway 407 in Halton.

Over the short term (immediate to 2005), MTO will consult with the community on the Needs Assessment Study findings and complete an Environmental Assessment (federal and provincial) to determine the preferred route location for the mid peninsula roadway. Once approved, MTO, with private sector assistance, is expected to proceed with the staged implementation of the project with tentative completion by 2011.

As indicated on the map (see next page), the solid line with arrows describes the approximate location of the mid peninsula roadway corridor. The final location of this
c
A
b

T
a
a
th
c
te

Ir
a
E
R
c
N
p
re
d
h


HALTON
407W
QEW
401
6
Kitchener
Waterloo
Guelph
Burlington
6
HAMILTON
403
Southwestern
Ontario
403
6
St.
Catharines
QEW
QEW
405
Niagara
Falls, N.Y
58
420
20
406
BRANT
Caledonia
NIAGARA
Niagara
Falls
Welland
QEW
58A
3
Fort
Erie
Buffalo
58
140
HALDIMAND
Port
Colborne
3
Not to scale
Recommended Roadway Improvements
Legend:
Provincial
Now to 2011
Beyond 2011
Legend:
Municipal
Now to 201
Beyond 201

Complete the Needs Assessment Study

As stated by MTO, the TOR phase of the EA will involve a review of the Needs Assessment Study findings. A complete set of supporting technical reports were issued to the Region of Niagara, City of Hamilton and Region of Halton at the March 2002 MAG meeting. With all the information now in hand, City staff has retained a lead consultant to peer review this material. The City of Burlington has expressed interest in cost sharing the peer review function. Similar partnership offers have been made to Niagara and Halton. Staff will submit an overview of these technical reports and recommendation report to Council after the review is completed.

Hamilton staff believes that the municipal partners need co-ordinated input to this project. With this objective in mind, Hamilton staff organised and held a meeting April 4th with the municipal representatives and MTO to discuss improvements that could be made to the TOR process. Comments from the meeting revealed some confusion over the relationship between the Need Assessment Study and EA Terms of Reference.

As stated by MTO, the Needs Assessment Study represents the "homework" that has been completed to support moving forward with an Individual Environmental Assessment for the Mid Peninsula Highway. The EA Terms of Reference is intended to focus on highway corridor planning considerations such as the evaluation of corridor alternatives and not whether or not a highway is needed or if other modes of transportation could address the shortfall in long term transportation capacity in the Niagara Peninsula. Subject to review, the latter should be properly addressed in the Need Assessment Study.

The current overlapping of these two distinct processes is confusing and could ultimately undermine the integrity of the planning process. Staff therefore recommends that consultation on the Need Assessment Study findings are completed before the EA Terms of Reference begins.

When the aforementioned is complete Council should pass a resolution confirming its position on the Needs Assessment Study. At this point staff and the community will be in a position to offer fully informed opinions on the need for a new highway.

Environmental Assessment Terms of Reference Consultation and Panel Review funding.

MTO has retained a consortium of consultants to assist with the preparation of an EA Terms of Reference for the Mid Peninsula Highway. MTO is committed to consultation and has asked members of the Municipal Advisory Group to review and comment on the consultation approach MTO is taking with the EA Terms of Reference. This kind of request is proactive and should be regarded as a clear indication of MTO's desire to be inclusive and responsive to stakeholder issues.

With the need established, route-planning activities must be responsive to the natural, social, economic, cultural and technical issues that a new roadway will generate. MTO's approach to consultation can be enhanced by the recommendations described in this report.

The purpose of a provincially funded Panel Review is to provide constructive advice to the MTO on the planning merits of the Needs Assessment Study and EA Terms of Reference. The precise make-up and role of the Panel Review should be developed and managed by the Municipal Advisory Group but at a minimum this respected group would monitor stakeholder input to the MTO planning process and provide, at an appropriate time, a series of forums for all stakeholders to express ideas, concerns and issues. The Panel itself should be comprised of 3 to 5 individuals respected for their leadership in the fields of transportation and community planning. The advice they would provide directly to MTO would be based on stakeholder input and their own respected knowledge of planning. This kind of third party review forum is used in projects where high degrees of community concern are likely to occur.

This unprecedented approach would help demonstrate to approval agencies and the public at large that the planning process is inclusive, informative, responsive and transparent. Finally, it would provide an alternative venue for people to raise issues and ideas that may be best considered by a neutral panel of respected individuals.

Municipal Co-operation

The planning of a major transportation route that spans three regional municipalities will generate both lasting positive and negative land use consequences for all. A process that aims to understand and resolve the issues of all municipal participants will be key to the timely resolution of this planning exercise. To achieve this end, the Mayor should invite the Chairs and senior staff of Niagara and Halton to meet at milestone events to discuss Mid Peninsula planning activities and provide cogent advice to the Province regarding the planning of this major transportation corridor. Co-operation amongst the major municipal governments will be key to the efficient and effective resolution of this transportation planning initiative.

ANALYSIS OF ALTERNATIVES:

Alternatives to consulting first on the Needs Assessment Study followed by the EA Terms of Reference include: continuing with the two assignments in parallel (MTO's current approach); or consulting on the Terms of Reference now with the understanding that the Needs Assessment Study would be reviewed during the first phase of the EA.

MTO's Current Approach

As expressed earlier, the former is already considered confusing and is arguably inconsistent with the way in which the Ministry of Environment expects Terms of References to be prepared. Thus this approach could very well delay the approval of the Terms of Reference.

Defer the Needs Assessment Review until the EA is underway

This approach offers little in the way of scoping the EA to matters that the MTO appears to prefer such as determining the preferred location of the Highway corridor (as opposed to reproving the need for and alternatives to a new highway, which the Needs Assessment Study has arguably addressed). The one benefit to this approach however could be its compatibility with the Canadian Environmental Assessment Act (CEAA) should a comprehensive study be required (i.e., an EA review of project need, alternatives to and designs in accordance with federal criteria). In a recent discussion with MTO it appears that talks with the federal government indicate that a screening (or screenings) under CEAA is the present expectation of staff.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - funds to undertake the peer review is included in the 2002 budget.

Staffing - staff from Transportation, Operations and Environment and Planning and Development have been jointly participating in this undertaking for over a year.

Legal - N/A

POLICIES AFFECTING PROPOSAL:

Completion of the Mid Peninsula Highway will have a significant impact on the City's long term growth strategy and directly impact the policies of the Official Plan and Regional Transportation Review.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Robert Shamess - Transportation, Operation and Environment Department.

CITY STRATEGIC COMMITMENT:

Council's Strategic Plan requires decision-making to be based on the principles of sustainable development. The Ontario Environmental Assessment Act and Canadian Environmental Assessment Act require proponents and responsible authorities to give consideration to the key components of sustainable development before approving a proposed undertaking or issuing a required permit. MTO's Mid Peninsula Highway is being planned in accordance with both planning statutes and will therefore address our sustainable development considerations.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

Attachment to TOE02112b

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Infrastructure & Environmental Planning

Report to:	Mayor and Members Hearing Sub-Committee	**Submitted by:**	Scott Stewart Acting General Manager
Date:	January 15, 2003	**Prepared by:**	Robert Shamess Extension 5097

SUBJECT: **Niagara Peninsula Transportation Needs Assessment Study (City Wide) - (TOE02112(a))**
HSC Outstanding Business Item DD of September 25, 2002

RECOMMENDATION:

(a) That Council direct staff to continue to work with the Ministry of Transportation and other stakeholders to complete the Niagara Peninsula Transportation Needs Assessment and Environmental Assessment Terms of Reference.

(b) That when the aforementioned is complete that Council pass a resolution confirming its position on both the Niagara Peninsula Transportation Needs Assessment and the Environmental Assessment Terms of Reference.

(c) That HSC Outstanding Business Item DD dated September 25, 2002, be identified as completed and removed from the Outstanding Business reports.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

As of November 22, 2002, the Ontario Ministry of Transportation (MTO) has commenced public consultation regarding the Mid-Peninsula Transportation Corridor Environmental Assessment Terms of Reference. On November 18, 2002, the MTO announced that the study area would be expanded to include possible connections of a new mid-peninsula freeway and/or transit way to Highway 401, Highway 407 and Highway 403. MTO have determined that all transportation corridor alternatives were found to address the problems to varying degrees and in different ways. MTO further recommended that other transportation initiatives, such as travel demand management, be addressed through separate EA processes.

Prior to this announcement, MTO has been consulting with municipal stakeholders and the public on the Needs Assessment. The Needs Assessment Study was the first step in the overall transportation planning process and is primarily a technical exercise to determine the need and justification for transportation improvements and the feasibility of various transportation alternatives. Significant consultation with City of Hamilton staff has been undertaken and indications are that the City's areas of concern and requests for further clarification are being addressed and will be outlined in the final draft of the Needs Assessment.

Overlapping of the Needs Assessment and Draft Terms of Reference continue and MTO's project schedule targets a submission of the Draft Terms of Reference to the Ministry of Environment (MOE) for approval to proceed to the provincial environmental assessment study in spring 2003. No firm completion date for the Needs Assessment document has been established at this point.

It is therefore recommended that staff continue to work with the Ministry of Transportation and other stakeholders to complete the Niagara Peninsula Transportation Needs Assessment and Environmental Assessment Terms of Reference. It is further recommended that upon completion of the above referenced documents that Council pass a resolution confirming its position on both the Needs Assessment Study and the Environmental Assessment Terms of Reference.

BACKGROUND:

The information/recommendations contained within this report have City wide implications.

In April 2000, the Ontario Ministry of Transportation (MTO) initiated a Needs Assessment for the Mid Peninsula Transportation Corridor Study in consultation with staff from the Region of Niagara and the former Region of Hamilton-Wentworth. It was understood at the time that broader community consultation would be undertaken upon completion of the draft Needs Assessment.

Results of this work were documented in an Executive Summary issued June 2001 with supporting documentation released in 2002. The draft Needs Assessment presented 3 major goals and objectives, which build upon the principles of the Province's Smart Growth Policy Statement, notably:

- To create a Transportation Development Strategy that provides a safe, efficient, effective and reliable transportation system.
- To support economic growth at the provincial and municipal levels.
- To create a Transportation Development Strategy that promotes a healthy environment.

The 3 goals take into account the linkage between transportation, land use/economic development and the environment.

A total of 44 separate recommended transportation improvements were identified (Appendix A). Included was a recommendation for a new mid-peninsula four lane highway connecting the QEW in Niagara between Niagara Falls and Fort Erie, westward south of the Hamilton International Airport, and then around Hamilton connecting to Highway 407 in Halton. Widening of the QEW is also recommended in the long term (i.e., after the Mid Peninsula highway is built).

Early in 2002, MTO released the detailed studies supporting the Executive Summary for stakeholder review. These studies included analysis of population and employment growth, tourism, goods and passenger movement as well as socio-economic and environmental studies. Staff initiated and continues to participate with the City of Burlington in a peer review process, with the assistance of an external consulting team (experience in transportation planning, environmental assessments, natural environment and socio-economic investigations), of the Needs Assessment and supporting studies. Through this peer review a number of issues and requests for clarification, through additional investigations and analysis have been requested of MTO. Based on the response received from MTO, including correspondence attached as Appendix B and staff's continued review of correspondence, it is anticipated that the final draft of the Needs Assessment will address the peer review. The release date of the next draft of the Needs Assessment is unknown but expected early in 2003.

MTO has presented an update of their project to City of Hamilton Council on two separate occasions, the September 25th Hearing Subcommittee and at a workshop held October 24th, 2002. The MTO workshop was held to provide additional information regarding need and justification for the mid-peninsula transportation corridor. Conclusions outlined in this workshop included network benefit (both provincial and municipal), enhanced internal trade corridor, facilitation of improved linkages and a high capacity alternative to the QEW.

Throughout the process MTO have continued to hold Public Information Centres (PIC) in the Regions of Niagara and Halton and the City of Hamilton. City Staff have attended all local PIC's and Municipal Advisory Group meetings in order to hear issues and concerns being raised by the public and stakeholders and identify if those concerns are being addressed by MTO. Many of the concerns being raised are consistent and common through all areas and are as follows:

- Air quality
- Quality of Life
- Niagara Escarpment Crossing
- Natural Environment
- Agriculture
- Transit
- Socio Economic
- Land Use Planning & Smart Growth
- Tolling Impacts

MTO are providing feedback to the public on concerns raised during the PIC's via their project website and through summary presentations at subsequent PIC's. Many of the issues raised by the public will be dealt with through the Environmental Assessment Process and it is critical that the Terms of Reference reflect these needs. City of Hamilton staff have reinforced to MTO the concerns raised through these PIC's and requested that the EA process be a thorough and comprehensive investigation of the alternatives, including the "Do Nothing" alternative, thus ensuring that all factors as identified under the Environmental Assessment Act are properly evaluated.

In addition to the public consultation by MTO, the City of Hamilton undertook a public information centre on September 17th, 2002 at the West Flamborough Arena where approximately 134 people attended the meeting. The purpose of the meeting was to present the findings of the peer review and to obtain public comment to assist staff in preparing the recommendations to Council. Comments received from the meeting have been forwarded to MTO for a response. A copy of the comments received via the city's PIC and website are attached as Appendix C.

The Needs Assessment has not yet been updated to reflect the above referenced peer review and public/stakeholder consultation. In the interim, discussions with MTO continue in order to resolve the outstanding issues and obtain additional data. Staff will continue to work with MTO to ensure that these issues are properly addressed.

ANALYSIS OF ALTERNATIVES:

Alternatives to supporting continued participation in the conclusions of the Needs Assessment and preparation of the Environmental Assessment Terms of Reference include:

1. Approval of the corridor alternatives announced November 21, 2002

   On November 21, 2002, the Provincial Government announced three different corridor alternatives to be included in the EA terms of reference and study:

   - a corridor connecting to Highway 407 in Burlington, as originally proposed in the draft needs assessment study (Alternative C);
   - - a corridor connecting to Highway 401, west of the Niagara Escarpment (Alternative F); and
   - - a widening of the Highway 403 corridor through Hamilton and Burlington, connecting to the QEW and Highway 407 (Alternative G).

   The proposed EA Study Corridors are indicated in Appendix D.

   As previously identified, MTO has overlapped the Needs Assessment process with creation of the terms of reference for the environmental assessment.

   One alternative to the recommendation given includes Council endorsement of the corridor alternative prior to completion of the Needs Assessment. This alternative is not recommended, as it is premature until all of the City's technical issues are addressed in a revised document. Although staff had hoped to resolve all issues earlier this fall, it was not possible due to the range and extent of the unresolved issues. Staff and MTO have made considerable effort at resolving the issues. While staff is continuing to make progress on these issues it is recommended that Council's best option would be to see the technical review through to the end.

2. Not supporting the conclusions of the draft Needs Assessment and directing staff to take no further active role in the planning process.

It is unlikely that MTO would terminate the process as a result of Council not supporting the conclusions of the Needs Assessment. As a result, decisions could be made in the absence of the City, which have a direct impact on the future growth of the City of Hamilton.

It is recommended that the City of Hamilton continue to participate in the MTO process.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - N/A

Staffing - staff from Transportation, Operations and Environment and Planning and Development Departments has been jointly participating in this undertaking for over a year and would continue to take an active role.

Legal - N/A

POLICIES AFFECTING PROPOSAL:

The decision on the Mid Peninsula Highway and other Niagara Peninsula Transportation Needs Assessment recommendations will have a significant impact on the City's long term growth strategy (GRIDS) and directly impact the policies of the Official Plan and City's Transportation Review.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Staff has worked with City of Burlington Staff throughout the Peer Review process and continues to work with them.

Staff has also worked with staff from Region of Halton on evaluating the modelling carried out by MTO.

Staff continues to work with MTO and neighbouring municipalities through the Municipal Advisory Group

CITY STRATEGIC COMMITMENT:

Council's Strategic Plan requires decision-making to be based on the principles of sustainable development. The Ontario Environmental Assessment Act and Canadian Environmental Assessment Act require proponents and responsible authorities to give consideration to the key components of sustainable development before approving a proposed undertaking or issuing a required permit. MTO's Mid Peninsula Highway is being planned in accordance with both planning statutes and will therefore address our sustainable development considerations.

This undertaking supports the City's goal of “A City of Growth and Opportunity” through provision of a transportation system that supports Economic Development.

TABLE 8:
SHORT TERM RECOMMENDATIONS – NOW TO 2005

Transportation Improvement Initiative	Project Description	Proponency
ROADWAYS		
QEW widening – Sand Plant Hill Implementation	Highway 405. to Hwy420 – 4 to 6 lanes	Province
QEW widening - St. Catharines Implementation	Hwy 406 to Garden City Skyway Bridge – 4 to 6 lanes	Province
QEW widening – Burlington to Oakville Implementation	Burlington to Oakville - 6 to 8 lanes	Province
Highway 6 New - Implementation	Hwy 403 to Hamilton International International Airport – 2 lane highway	Province
Highway 6 Widening - Implementation	Highway 403 to Highway 5 - 4 to 6 lanes	Province
Highway 406 Widening – Implementation	Beaverdams Rd. to Port Robinson (Thorold) – 2 lanes to 4 lane Controlled Access Highway	Province
Mid-Peninsula Highway – Initiate EA Study	Niagara (QEW) to Halton (Hwy 407) 4 lane highway	Province
Highway 420 Extension – Initiate EA Study	Hwy 420 (Niagara Falls) to Hwy 58 (Thorold Tunnel) 4- lane Controlled Access Highway	Province
Highway 3 Corridor – Study	Fort Erie to St. Thomas	Province
Red Hill Creek Expressway Implementation*	Lincoln Alexander Parkway to QEW - 5 lanes	Hamilton
Improved Arterial Connection from Niagara Falls to Hwy 406 - Municipal Needs Study	Link Connecting Niagara Falls to Welland/Pelham area	Niagara
St. Catharines Improved Arterial Roads - Municipal Needs Study	Improvement to municipal roads to alleviate QEW traffic problems	St. Catharines
Niagara Regional Escarpment Crossing Study	Assessment of Regional Escarpment crossing requirements	Niagara

TABLE 8:
SHORT TERM RECOMMENDATIONS – NOW TO 2005

Transportation Improvement Initiative	Project Description	Proponency
TRANSPORTATION SYSTEMS MANAGEMENT		
Niagara Crossings – Develop Strategic Plan	Four Niagara Bridges and roadway access	T.B.D.
TRAVEL DEMAND MANAGEMENT AND TRANSIT		
Region of Niagara – Transit/TDM Study	Assessment of transit and travel demand management opportunities	Niagara
City of Hamilton - Transit/TDM Study	Assessment of transit and travel demand management opportunities	Hamilton
PASSENGER RAIL SERVICE		
Regional Rail Service - Rail Feasibility Study	Tourism (Weekend/ Seasonal) Niagara Region to GTA	T.B.D.
FERRY SERVICE		
Ferry Service – Opportunities Study	Niagara Region to GTA	Private Sector

**TABLE 9:
MEDIUM TERM RECOMMENDATIONS – 2006 TO 2011**

Transportation Improvement Initiative	Project Description	Proponency
ROADWAYS		
Mid-Peninsula Corridor – Staged Implementation	QEW in Niagara to Hwy 407 in Halton - 4 lane highway	Province/Private Sector
Highway 403 Widening – Implementation	QEW to Main St. (Hamilton) - 6 to 8 lanes	Province
QEW Widening - Freeman Interchange Implementation	Burlington Bay Skyway to Freeman Interchange - 6 to 8 lanes	Province
Highway 6 New – Implementation*	Hamilton International Airport to Caledonia	Province
Highway 406 Widening – Implementation	Port Robinson (Thorold) to East Main St. (Welland) – 2 lanes to 4 lane Controlled Access Hwy	Province
Highway 406 Extension – Implementation*	East Main St. (Welland) to Hwy 58 or Mid-Peninsula Hwy – 2 lane Controlled Access Major Arterial	Province
Highway 6 Improvements – Corridor Needs Study	Caledonia to Lake Erie Operational / Local bypasses	Province
Highway 6 or Highway 8 and 24 Improvements - Corridor Needs Study*	Highway 5 to Highway 401	Province
Improved Regional Road 20 Implementation	Link Connecting Pelham to Hwy 406	Niagara
Hamilton North/South Links Municipal Needs Study*	Link connecting the Mid-Peninsula Highway to Red Hill Creek Expy.	Hamilton
*** Need / Function dependent of Mid-Peninsula Highway Route Location**		
TRANSPORTATION SYSTEMS MANAGEMENT		
QEW ITS – Develop Strategic Plan	Hamilton to Fort Erie including Highways 405, 406 and 420	Province
Bi-National ITS integration - Roadways and Bridges Develop Strategic Plan	QEW, Mid-Peninsula Highway, Municipal roads, U.S. roads, Niagara Bridges	T.B.D.

TABLE 9:
MEDIUM TERM RECOMMENDATIONS – 2006 TO 2011

Transportation Improvement Initiative	Project Description	Proponency
TRAVEL DEMAND MANAGEMENT AND TRANSIT		
Region of Niagara - TDM and Transit Strategy Implementation	TDM and Transit Strategies to support planning objectives	Niagara
City of Hamilton – TDM and Transit Strategy Implementation	TDM and Transit Strategies to support planning objectives	Hamilton
PASSENGER RAIL SERVICE		
Regional Rail Service - Implementation	Tourism (Weekend/ Seasonal) Niagara Region to GTA	T.B.D.
Commuter Rail Service - Rail Feasibility Study	Niagara Region to GTA	T.B.D.
FERRY SERVICE		
Ferry Service - Implementation	Niagara Region to GTA	Private Sector

TABLE 10:
LONG TERM RECOMMENDATIONS – BEYOND 2011

Transportation Improvement Initiative	Project Description	Proponency
ROADWAYS		
QEW Strategic Upgrading – Staged Implementation*	Niagara Falls to Hamilton	Province
Highway 403 widening Implementation*	Main St. Hamilton to Lincoln Alexander Parkway	Province
Highway 407 Widening Implementation	Halton Region	Private Sector

TABLE 10:
LONG TERM RECOMMENDATIONS – BEYOND 2011

Transportation Improvement Initiative	Project Description	Proponency
Hwy. 420 Extension - Implementation	Hwy. 420 (Niagara Falls) to Hwy. 58 (Thorold Tunnel) - 4 lane C.A.H.	Province
Improved Arterial Connection from Niagara Falls to Hwy 406 – Implementation	Link Connecting Niagara Falls to Welland/Pelham area	Niagara
Hamilton North/South Link – Implementation*	Link Connecting Mid-Peninsula Highway to Red Hill Creek Expressway	Hamilton
PASSENGER RAIL SERVICE		
Commuter Rail Service - Implementation	Niagara Region to GTA	T.B.D.
TRANSPORTATION SYSTEMS MANAGEMENT		
QEW ITS – Implementation	Hamilton to Fort Erie including Highways 405, 406 and 420	Province
Bi-National ITS integration - Roadways and Bridges	QEW, Mid-Peninsula Hwy Municipal roads, U.S. roads, Niagara Bridges	T.B.D.

* Need / Function dependent of Mid-Peninsula Highway Route Location

ATTACHMENT TO TOE02112b

Appendix B

Ministry of Transportation
Ministère des Transports
Transportation Planning Branch
Provincial & Environmental Planning Office
Garden City Tower
4th Floor, 301 St. Paul Street
St. Catharines, Ontario L2R 7R4

Tel: (905) 704-2097
Fax: (905) 704-2007

Ontario

RECEIVED OCT 23 2002

October 21, 2002

Ms. Betty Matthews-Malone, P.Eng
Director, Infrastructure & Environmental Planning
Transportation, Operations and Environment Department
The City of Hamilton
77 James Street North, Suite 320
Hamilton, Ontario
L8R 2K3

Dear Betty:

Thank you for letter of September 17, 2002 to Mr. Fred Leech, regarding the Niagara Peninsula Transportation Needs Assessment Study. Please accept my response on behalf of Mr. Leech and the Ministry of Transportation.

Your letter provides additional comments, questions and concerns 1) arising from the Peer Review; 2) additional concerns by the Planning Department; and 3) conclusions and additional comments from staff.

I would like to first thank the City of Hamilton for the efforts of municipal staff in the development of the draft Niagara Peninsula Transportation Needs Assessment Study and now in the review of the needs assessment work and additional corridor options.

MTO and its consultants have worked closely with the City of Hamilton, City of Burlington and Halton and Niagara Regions and the Peer Review consultant team, iTRANS, over the later three months. At our last Peer Review meeting of October 15, 2002 in Hamilton, we discussed a number of additional points. Our consultant will be forwarding minutes to you shortly for your review. Please be assured that MTO is committed to revising the draft needs assessment report on the basis of the input received through the Peer Review meetings.

I believe that the efforts and co-operation of the various agencies will result in significant improvements to the needs assessment study report and provide a sound basis upon which to proceed with the environmental assessment process for the proposed mid-peninsula transportation corridor.

../2

http://www.mto.gov.on.ca

Made from recovered materials Fait de matériaux recyclés

At this stage in the process, however, we are continuing to consult on the needs assessment work and corridor alternatives and have not determined an EA Study Area. We will present a proposed EA study Area at the next Municipal Advisory Group meeting in mid-November.

Early in November, we will be holding workshops with selected stakeholders in Niagara, Hamilton and Halton. At the end of November, MTO will proceed with a fourth round (12 total) of PIC's to report on the workshop consultation and will present a proposed EA Study Area that encompasses the alternative corridors to be carried forward into the subsequent EA Study. MTO will respond to input following the November PIC's and will continue to consult with municipalities, agencies and the general public until completion of the EA Terms of Reference in spring, 2003.

Yours truly,

Bill Rhamey
MTO Project Co-ordinator

cc: Peter M.Crockett, General Manager
Chris Murray, City of Hamilton
Robert Shamess, City of Hamilton
Mary Lou Tanner, City of Hamilton
Tom Eichenbaum, City of Hamilton
Tyrone Gan, iTRANS Consulting
Paul Hudspith, URS Cole, Sherman
Doug Allingham, Totten Sims Hubicki

ATTACHMENT TO TOE02112b
Appendix C

CITY OF
HAMILTON

PUBLIC MEETING SUMMARY

MINISTRY OF TRANSPORTATION
NIAGARA PENINSULA TRANSPORTATION NEEDS ASSESSMENT STUDY
PROPOSED MID-PENINSULA HIGHWAY

TUESDAY SEPTEMBER 17, 2002
7:00 PM – 9:00 PM
NORTH WENTWORTH ARENA (27 # HWY 5 & 6)

COUNCILLORS PRESENT: Margaret McCarthy (facilitator), David Braden, Andrea Horwath, Tom Jackson

MPs PRESENT: Ted McMeekin

CONSULTANTS PRESENT: iTrans Consulting, P.M. Hubbard

STAFF PRESENT: Betty Matthews-Malone, Chris Murray, Rob Shamess, Charlene Hands, Sonya Kapusin (notes)

ATTENDANCE: Approximately 134

MATERIALS DISTRIBUTED: Agenda, Contact List, June 3 Council Report, Feedback Form

AGENDA: 1. History and Process, Betty Matthews-Malone and Chris Murray
2. Peer Review Presentation, iTrans Consulting
3. Next Steps, Rob Shamess
4. Questions and Answers, Open Forum

QUESTIONS/COMMENTS SUMMARY:

- Organize an international charette with all levels of government to generate new ideas on how to address the implications of meeting transportation needs.

- Ensure that comments by the City of Hamilton are considered by the MTO by September 26, when the MTO has indicated that it will begin preparation for the Environmental Assessment Terms of Reference.

- The City of Hamilton is waiting for a decision by the MTO to reinforce project deadlines so that stakeholders are given adequate time to provide feedback.

- Consider all of the negative impacts that the highway may have on the City. Determine whether the cost estimate of building the highway is realistic.

- Citizens Opposed to Paving the Escarpment (COPE) has recently formed to advocate against building the roadway through the escarpment. COPE welcomes new members.

- Credibility behind a municipality that has considered past freeway projects, such as the Red Hill Creek Expressway, may be questionable to some.

- Legislation governs planning of infrastructure. The Mid-Peninsula Corridor is early in the planning stage and can be governed by legislation. It is important that the Needs Assessment is reviewed thoroughly early in the process.

- Consider fixing past highway projects that are perceived to have failed initial objectives. There is a vested interest in existing roadways.

- Clarify the rumour that Hamilton Council is behind the highway to better accommodate accessibility to the Hamilton airport. Highway 6 provides a short-term solution to address airport accessibility. A new solution is needed for the long term.

- The City of Hamilton is working on a Growth Related Integrated Development Strategy (GRIDS) to consider how the City will grow and how this growth can be managed effectively over the long term.

- Public meetings are late to happen when the Needs Assessment Study has already been completed.

- It has been recommended that the Provincial and Federal governments link the Ontario and Canadian Environmental Assessment process for this project. The Provincial and Federal Environmental Assessments are not the same, although the two governments have been looking at ways to harmonise the two.

- There is a perception that the City of Burlington is ahead of the City of Hamilton in terms of responding to the Mid-Peninsula Project. The City of Burlington is not further ahead. Details of the Needs Assessment were released in February and since then the City of Hamilton has participated in municipal meetings and has initiated a peer review.

- The City's influence in the process is questionable to some. However, when the Ontario Ministry of Environment reviews the Ministry of Transportation (MTO) Terms of Reference under the Environmental Assessment Act, it will verify that the proponents (MTO) applied good planning (where public consultation is considered to be critical).

- To get higher transit usage, look at a long term transit strategy.

- Hold public information centres in Flamborough.

- Niagara Escarpment Commission will be considering a resolution to request that the Provincial government put the project on hold until the release of the smart growth panel report.

- Fix Freeman interchange and preserve tender lands.

- Councillors Margaret McCarthy and Dave Braden are opposed to the highway proposal. Residents are awaiting a Council recommendation on this project.

- Consider air quality as the priority issue for transportation decisions.

- Consider government incentives and disincentives to encourage a change in lifestyle that will encourage individuals to buy smaller vehicles, take transit, etc. A recommendation of the Needs Assessment is Travel Demand Management.

- City staff has been involved in meetings throughout the process.

ANNOUNCEMENTS:

- MTO will visit Council with a presentation to the Hearing Sub Committee on September 25, 2002, in Council Chambers, Hamilton City Hall, 71 Main Street West. Agenda to be confirmed, but committee meetings starts at 9:30 am.

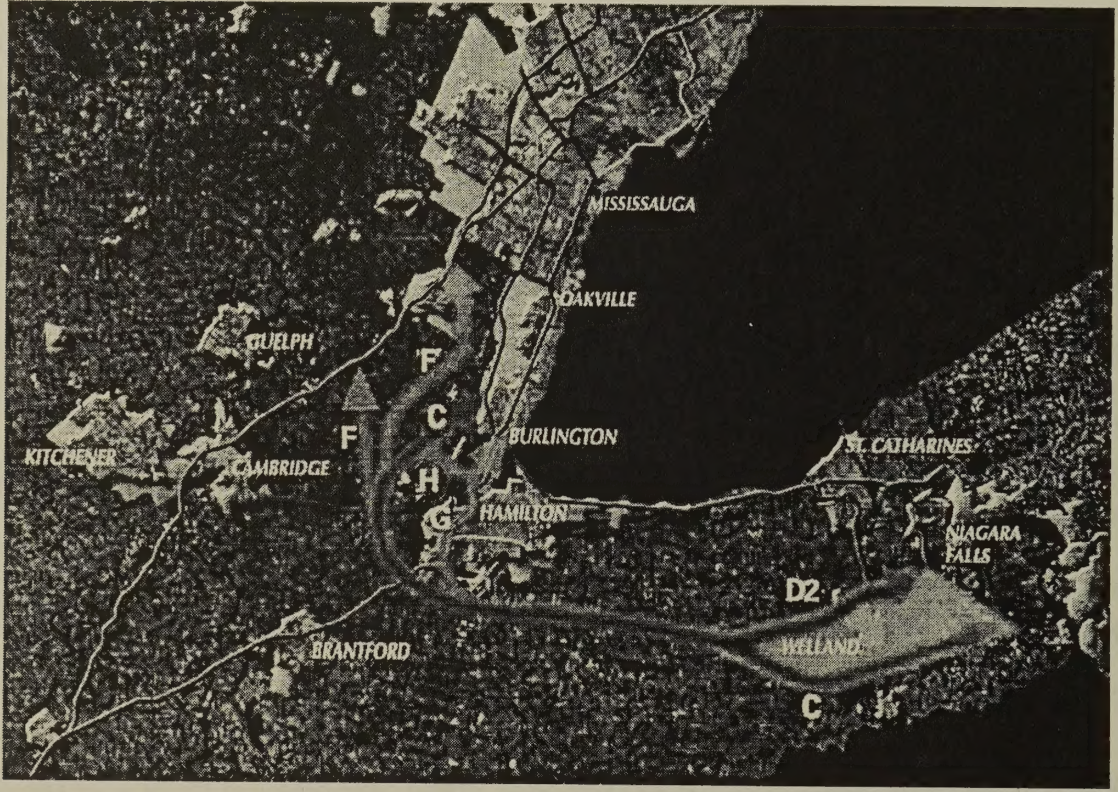
- The next Public Information Centre hosted by the MTO will take place in Hamilton on September 24. Renaissance Banquet Street East, Hamilton, 6:00 p.m.

ACTION:

- City of Hamilton to suggest to the MTO that a Public Information Centre in Hamilton be held in Flamborough.

ATTACHMENT TO TOE02112b
Appendix D

Alternative Transportation Corridors


MISSISSAUGA
OAKVILLE
GUELPH
F
C
F
BURLINGTON
KITCHENER
CAMBRIDGE
H
G
HAMILTON
ST. CATHARINES
NIAGARA FALLS
D2
WELLAND
BRANTFORD
C

Ontario
Ministry of Transportation

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

14.1

PUBLIC HEALTH AND COMMUNITY SERVICES DEPARTMENT
Community Programs Branch, Program Delivery Division
And
PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Elizabeth Richardson, Medical Officer of Health Lee Ann Coveyduck, General Manager
Date:	March 28, 2003	**Prepared by:**	Lee Anne Wiebe (905) 546-4329 Judy Downey (905) 540-6108

SUBJECT: Ontario Residential Care Association (ORCA) proposal (HCS03002) (PD03074) (City Wide)

RECOMMENDATION:

That Report HCS03002/PD03074, respecting the continued use by city staff of "The City of Hamilton Licensing Code, Schedule 20 – Residential Care Facility Guidelines" as the basis for licensing and enforcement within residential care facilities, be received for information.

Elizabeth Richardson
Medical Officer of Health
Public Health and Community Services

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

In January 2002, City of Hamilton Councillors received correspondence from the Ontario Residential Care Association (ORCA). In the letter ORCA requested an exemption from the fees and inspections legislated under the "City of Hamilton

Licensing Code, Schedule 20 – Residential Care Facility Guidelines" (Schedule 20) for residential care facilities belonging to their Association. On March 19 2003, a Public Meeting was held and the Hearing Sub-Committee was addressed by Mr. Gordon White, Executive Director of ORCA, who expressed repeated opposition on behalf of ORCA to the City of Hamilton Licensing Code, Schedule 20. (FCS03020/PD03029/SPH03001) Ms. Brenda Tozer, Administrator of the Georgian Retirement Home, also expressed similar opposition to Schedule 20 at the meeting.

In order for residential care facilities to be exempt from fees and inspections legislated under Schedule 20, the City would have to make revisions to its Licensing By-law and enforcement activities. Also, substantial changes to ORCA's mandate and accreditation procedures would have to occur that would: mandate membership for all residential care facilities and develop an inspection program. ORCA would still have to rely on the authority of the Medical Officer of Health to respond to specific health risks under provincial legislation such as the Health Protection and Promotion Act. There would need to be considerable consultation, planning and education with ORCA for them to carry out the functions of the current inspection program.

Therefore, it is staff's recommendation that public interest and safety would be best served through continuing to use the City of Hamilton Licensing Code, Schedule 20 – Residential Care Facility Guidelines as a basis for licensing and inspecting residential care facilities. In 2004, the City should re-evaluate the experience gathered through the inspection processes, and conduct public consultations, including ORCA members, to inform the City regarding the need to revise or modify Schedule 20 Guidelines and/or the Licensing Code.

BACKGROUND:

The new Licensing Code was enacted by City Council in July, 2001, under the authority of section 257.2 of the Municipal Act of Ontario, which gives municipalities the power to license any type of business carried on within the municipality. Paragraph (2)(f)(iii) of section 257.2 expressly empowers the municipality to require the operator of a licensed business, to allow the inspection of the premises used in connection with the business, as well any other items of personal property, at any reasonable time. This would include files, which are maintained about tenants as required by subsection 54(2) of Schedule 20.

The Ontario Residential Care Association (ORCA) is a self–regulatory provincial organization that sets standards, inspects and accredits retirement homes. ORCA is a voluntary association where members must be accredited before they join the association. In the City of Hamilton, nine retirement homes are currently members of ORCA. There is no provincial legislation that mandates ORCA membership. ORCA provides accreditation awards to its members every one to three years. The awarded accreditation depends on the facility's compliance with four progressively rigorous standard levels. ORCA does not however, inspect premises between the accreditation visits and has no official process to review complaints. Further to this, ORCA primarily deals with the senior population in retirement homes and sixty-five of the 93 licensed residential care facilities in the city house a mostly mental health population. It is doubtful whether ORCA would be prepared to accept facilities housing this type of population as members of its organization.

ANALYSIS OF ALTERNATIVES:

Pursuant to Schedule 20 of Hamilton Licensing Code By-law No. 01.156 each residential care facility located in the City of Hamilton is required to be licensed and meet all requirements of the Code. In order to be licensed residential care facilities must comply with the requirements and regulations of Fire, Health, Police, Building and Zoning. Once licensed, each facility must renew the licence on an annual basis and inspections are undertaken to ensure the facility is in compliance with the aforementioned regulations.

ORCA has suggested that membership and accreditation process should be sufficient to demonstrate compliance with the by-law and thereby the City should waive the $50 per bed inspection fee. The accreditation process may occur yearly but there is the potential for an ORCA home to receive a 3-year accreditation certificate. Currently the City inspection program occurs 2-4 times in a year depending on the department.

Standards and Licensing Inspectors inspect each facility twice per year to ensure compliance with the requirements of the Licensing Code; one of these inspections includes a Certificate of Compliance, which ensures that the facility meets all of the requirements of the City of Hamilton Property Standards By-law. This is an extensive inspection, which includes the exterior and interior of the physical structure and maintenance of the building itself. Standards and Licensing Inspectors are certified to undertake this inspection, and as the City enacts the By-law it is the responsibility of the inspectors to ensure that the By-law is enforced and that any violations are addressed. This is not a job transferable to the private sector.

ORCA is a small organization, which suggests that there would not be enough staff to provide the necessary inspections in a consistent and timely manner. Staff have reviewed ORCA's requirements and guidelines for 4 accredited levels of standards, and for the most part, they are similar or exceed Schedule 20 Guidelines. Staff have had limited experience with implementing Schedule 20 guidelines. It would be prudent to re-evaluate the guidelines along with ORCA's standards in 2004 in order to revise Schedule 20 and to provide input into ORCA's standards and processes as well.

ORCA is a voluntary organisation, and there is no mandate to require all residential care facilities to become members. If all 93 facilities agreed to become members, there is a potential conflict of interest for ORCA as it would be responsible for enforcing rules that would be potentially injurious to the pure business interests of its members. Complaints can be logged at ORCA's complaint line, but the procedure nor the timeliness for follow–up are clear. ORCA has stated that if a facility does not meet minimum ORCA standards for operation, membership is not awarded, but the facility may continue to operate. Under Schedule 20, a facility which demonstrates lack of compliance with standards will lose its license to operate.

Throughout the year numerous complaints are filed by staff, agencies and the general public with the Standards and Licensing Section, Planning and Development Department and the Community Programs Branch, Public Health and Community Services Department respecting possible violations in the day to day operations at residential care facilities. These violations may be related to the regulations of the Licensing Code and/or legislation enforced by other Departments or Agencies. Staff from both departments follow up on all these complaints and concerns with a thorough investigation to ensure compliance.

If a facility operator is not in compliance with any of the aforementioned regulations and/or legislation, Standards and Licensing staff provide evidence of violation(s) to the City of Hamilton Licensing Committee. The Committee provides an avenue to: suspend or revoke the license, or impose conditions on the licensee (facility operator) where the business is being operated in contravention of the licensing by-law or other applicable law; or where public safety or the safety of the tenants residing at the facility are found to be at risk by the operation of the business.

In the event of a specific health risk, ORCA would have to obtain the services of the Medical Officer of Health who has the authority to respond to a public health emergency. For example, if an outbreak of tuberculosis occurred within a residential care facility, it is the Medical Officer of Health who would order the appropriate follow-up and authorize City staff who would follow the orders.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The current by-law would have to be amended. A private agency, such as ORCA could carry out inspections, but it would be inappropriate to allow that agency to take measures to ensure compliance.

Liability risks would need to be addressed through a contract with ORCA.

There would be no decrease in staffing if ORCA was to provide service to its accredited facilities. 86 residential care facilities would still require inspection services and all facilities would still require licensing by city staff.

POLICIES AFFECTING PROPOSAL:

None applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Consultation has occurred with the Legal Services & Corporate Counsel Division, Corporate Services Department and with the Building and Licensing Division, Planning and Development Department.

CITY STRATEGIC COMMITMENT:

Continuing to enforce the by-law as per schedule 20 will assist the City to achieve the following goals identified in Vision 2020:

- Personal Health and Well-Being.
- To increase the number of years of good health for all citizens by reducing illness, disability and premature deaths.
- To provide adequate and appropriate health care services for all citizens.

WARDS 2 & 5
WITH CITY WIDE
IMPLICATIONS

CITY OF HAMILTON

14.2

PUBLIC WORKS
Capital Planning & Implementation

CORPORATE SERVICES DEPARTMENT
Budgets & Fiscal Policy

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager Joseph L. Rinaldo General Manager
Date:	March 31, 2003	**Prepared by:**	Robert Norman Extension 2298 Joe Spiler Extension 4519

SUBJECT: **Waterfront Revitilization - SuperBuild Projects (PW03025/FCS02015a) (Ward 2 and 5 with City Wide Implications)**

RECOMMENDATION:

(a) That the Revised Proposed Funding - Hamilton Waterfront and Trail Project Budgets (Table 2) be approved;

(b) That the City confirm the partnership contributions shown in Table 2 with the Hamilton Waterfront Trust (HWT) and the Hamilton Conservation Authority (HCA) seeking additional contributions of $430,000 and $225,000 respectively and that the total funding requests be forwarded to the HWT and the HCA for their consideration;

(c) That the revised proposed funding presented in Table 2 is approved with an additional City contribution of $308,600 to be funded from Reserve #108035 (Capital Projects Former City of Hamilton);

(d) That staff confirm with SuperBuild, that according to their Funding Agreement Competitive Process, that the City of Hamilton may enter into a service agreement with the Hamilton Waterfront Trust for design and construction services of the Windemere Basin Project;

(e) That subject to Recommendations (b & d), that staff seek a service agreement with the Hamilton Waterfront Trust for the design and construction of the Windemere Basin Project, Item 3 of Table 2 of this report, based on the principles and roles and responsibilities outlined in Report CS02008.

(f) That subject to Recommendation (b) that staff seek a service agreement with the Hamilton Waterfront Trust for the design and construction of the Discovery

Centre - Access Road and Waterfront Trails, Items 6 and 7 of Table 2 of this report, based on the principles and roles and responsibilities outlined in Report CS02008.

(g) That staff be directed to execute the required funding agreements with SuperBuild or designate, related to the funding of Items 1, 2, 3 and 4 of Table 2 of this report.

Joseph Rinaldo

Peter Crockett, P.Eng.
General Manager
Public Works

Joesph L. Rinaldo
General Manager
Corporate Services

EXECUTIVE SUMMARY:

On January 23, 2002, Council approved FCS02015 (Partnership with Hamilton Waterfront Trust for Waterfront Trail Development – SuperBuild Projects). Subsequently, on September 11, 2002 Council approved the use of Community Trust Funds (FCS02107) which included $350,000 for Dieppe Memorial Park. Table 1 summarizes the forecast Project budgets and funding sources based on the information available for 2002. Of note is that the City forecast for Provincial subsidy contribution for these projects was originally at 50% of total project budgets or $3.2 million.

TABLE 1
FCS02015/02107 HAMILTON WATERFRONT AND TRAIL PROJECT BUDGETS APPROVED BY COUNCIL 2002 ($'s)

Capital Projects	Total Budgeted	SuperBuild	Land Sales	Waterfront Regeneration Trust	Hamilton Waterfront Trust	Hamilton Conservation Authority	Hamilton Future Fund	City Contribution
Hamilton Beach Trail	2,130,000	1,130,000	-	1,000,000	-		DONATIONS	
West Waterfront Trail Extension	900,000	450,000	-		450,000			
Windemere Basin	1,154,800	577,400	-		577,400			-
Dieppe Memorial Park	230,800	115,400	60,400	-	-	-	55,000	
- Community Trust Contribution	350,000						350,000	
Subtotal Dieppe	580,000							
Confederation Park - Trail, Pool, Community centre	2,300,000	915,000			350,000	210,000		825,000
TOTAL	$ 7,065,600	$ 3,187,800	$ 60,400	$ 1,000,000	$ 1,377,400	$ 210,000	$ 405,000	$ 825,000

The recent subsidy announcement of March 5, 2003, a partnership of Canada-Ontario Infrastructure Program and SuperBuild was for $1,983,000 (reference Table 2), which is approximately 30% of total project budgets, $1.2 million below estimate. Table 2 on the following page contains the most up-to-date project budget and funding sources information for the total City of Hamilton Waterfront Revitilization effort. The highlights for the information presented in Table 2 include the following:

i. The West Waterfront Trail Project cost estimate has not been finalized and therefore the funding from the Hamilton Waterfront Trust is only an estimate. This project was originally expected to be completed in 2004. However, it may now be completed in late 2003.

ii. The Windemere Basin Project scope may include soil capping from dredging operations that would also have an impact on the Windemere Basin Dredging project. Therefore cost estimates may change. The source of the City's contribution to the Windemere Basin Project (reference Table 2) is Reserve # 108035 (Capital Projects Former City of Hamilton) which has a current balance of $6 million prior to this $308,600 request.

iii. Added to Table 2 are two Waterfront projects that were not presented in FCS02015. The Discovery Centre - Access Road was approved by Council during the 2002 City Capital Budget, while the Waterfront Trail - Discovery Centre project was approved in FCS02107 (Hamilton Future Fund).

iv. Increase in allocation from Hamilton Waterfront Trust and Hamilton Conservation Authority to be confirmed.

TABLE 2

REVISED PROPOSED FUNDING - HAMILTON WATERFRONT AND TRAIL PROJECT BUDGETS ($'s)

Capital Projects - FCS02015	Total Budgeted	SuperBuild	Land Sales	Waterfront Regeneration Trust	Hamilton Waterfront Trust
Original Budget - FCS02015	**$ 7,065,600**	**$ 3,187,800**	**$ 60,400**	**$ 1,000,000**	**$ 1,377,400**
1. Hamilton Beach Trail	2,130,000	639,000	454,158	1,036,842	-
2. West Waterfront Trail Extension Project Cost estimate not finale, the HWT contribution only an estimate.	900,000	270,000	-		630,000
3. Windemere Basin Project Cost estimate not finale, the HWT and City contribution are only estimates.	1,200,000	314,000	-		577,400
4. Dieppe Memorial Park	420,000	70,000	-	-	-
5. Confederation Park - Trail, Pool, Community centre	2,300,000	690,000			350,000
SUBTOTAL	**$ 6,950,000**	**$ 1,983,000**	**$ 454,158**	**$ 1,036,842**	**$ 1,557,400**
Budget Changes (projects #1 - 5) from previous Council approved report FCS02015	**$ (115,600)**	**$ (1,204,800)**	**$ 393,758**	**$ 36,842**	**$ 180,000**
OTHER WATERFRONT RELATED PROJECTS					
6. Discovery Centre - Access Rd Refer 2002 Capital - P & Rec.	750,000				250,000
7. Waterfront Trail - Discovery Cntr.	800,000				
Grand Total	**$ 8,500,000**	**$ 1,983,000**	**$ 454,158**	**$ 1,036,842**	**$ 1,807,400**

It is recommended that the City seek further Service Agreements with the Hamilton Waterfront Trust to undertake the design and construction of the following items from Table 2 above; Item 3: Windemere Basin project, Item 6: The Waterfront Trail adjacent to the Discovery Centre Access Road and Item 7: The Waterfront Trail around the western periphery of the Discovery Centre/Pier 8 site. The Service Agreements for these projects would reflect the principles, roles and responsibilities as directed by Council in the earlier Service Agreement for Items 1 and 2 of Table 2 in report CS02008 approved January 23, 2002. Appendix E is an excerpt from Report CS02008/FCS02015 outlining Roles and Responsibilities. Any Windemere Basin

Service Agreement would be subject to confirmation of compliance with requirements contained within the SuperBuild Funding Agreement.

BACKGROUND:

This report has City Wide implications, and specifically in Wards 2 and 5.

The Hamilton Beach Recreational Trail
Estimated Cost: $2,130,000

The Hamilton Beach Neighbourhood Plan, approved by Council in 1992, recognized the importance of Lake Ontario access to the entire community and provided for a breezeway along the lakefront, linking Confederation Park to the Burlington Canal. The breezeway and Hamilton Beach Trail serves an important waterfront link in the overall Lake Ontario waterfront trail extending from Niagara-on-the-Lake to Brockville.

The Hamilton Waterfront Trust constructed the Hamilton Beach Trail primarily during the year 2002. The 4.4 kilometre trail provides parking, site furniture, interpretative and directional signage, lookouts to the lake and two building structures with washrooms. The trail will be complete in 2003 with the completion of two building structures and associated landscaping. Please refer to Appendix A for a layout drawing of the trail.

The estimated gross cost for this project is $2,130,000. The funding plan for this project involves the Hamilton Beach Land Sales. These funds represent approximately $1,000,000 of City of Hamilton monies paid to the H.R.C.A. for the purchase of Hamilton Beach Properties that were bought in 1998. These funds were held by the Waterfront Regeneration Trust and returned to the City in addition to $36,842 of accumulated interest. Any subsequent monies from the sale of Hamilton Beach Properties by the City of Hamilton up to a maximum of $1,000,000 would be paid back to the City of Hamilton reserve (Reserve for Property Purchases). This reserve was originally used for the purchase of these properties. Any excess sale proceeds would be used to first fund SuperBuild funding shortfalls first, then are deposited into a new City Reserve – Hamilton Beach Park to fund future Waterfront Trail Projects and related development. The repayment of the City of Hamilton reserve for property purchases is consistent with Section 12 of the Fifteenth Report of the Finance and Administration Committee which the former City of Hamilton Council approved July 8, 1997.

The projected annual maintenance cost for the Hamilton Beach Trail is $150,000 for 2003, which has been provided for in the approved Parks budget.

The project lead for the Hamilton Beach Trail is the Hamilton Waterfront Trust, as approved in report CS02008 on January 23, 2002.

West Waterfront Trail Extension
Estimated Cost: $900,000

A one kilometre extension of the existing waterfront trail that will extend access from Pier 4 Park to Pier 8 and Dock Service Road. The asphalt multi-purpose trail will be 6 metres in width for primary connections along the waterfront and be 3 metres wide in secondary connecting functions, that is along the Guise Street frontage. The trail feature will include lighting, site furniture and landscaping. Please refer to Appendix B for a potential alignment of the trail.

The Hamilton Waterfront Trust has developed alignment options, in consultation with the community and City staff. While the City does own the majority of land adjacent to the water's edge there are a number of current leases with third parties, including the Royal Hamilton Yacht Club, Hamilton Port Authority Yacht Club and the Leander Boat Club. Discussions with these tenants would take place in the development of alignment options. Detail real estate and legal matters will be co-ordinated by City staff once the preferred trail alignment is approved.

Due to the proposed implementation of the Waterfront trail extension and its possible impacts on adjacent tenants, staff is proposing to maintain the current status of a month to month lease. As part of the Service Agreement, staff is recommending that trail alignment options be prepared including costs and potential impacts on adjacent tenants. Once final trail alignment is approved, staff would revisit the request from tenants for a long-term lease.

The Hamilton Waterfront Trust has undertaken Public Advisory Group meetings on February 26, 2002, May 14, 2002, December 11, 2002 and January 27, 2003 with respect to the West Waterfront Trail Extension.

The funding for the trail between Piers 4 and 8 is proposed as 30% from SuperBuild, and a 70% contribution from the Hamilton Waterfront Trust. Once firm estimates for the trail are established by the HWT, staff in conjunction with the Hamilton Waterfront Trust will finalize alignment of the trail, and refined cost estimates. The trail alignment, design and project budget require Council approval prior to commencing detailed design and tendering, as was required by Council's direction in report CS02008 on January 23, 2002.

Any operating costs for 2003 to be funded from Public's Work's 2003 operating budget and subsequently added to the City's 2004 operating budget request. Preliminary figures for annual maintenance costs for this section of trail would be $54,000.

The project lead for the West Waterfront Trail Extension is the Hamilton Waterfront Trust, as approved in report CS02008 on January 23, 2002.

Windemere Basin:
Estimated Cost: $1.2 million

Windemere Basin is a receiving basin for the Red Hill Creek, prior to the water entering into Hamilton Harbour. Industry and major transportation corridors, (Queen Elizabeth Way, Eastport Drive and Burlington Street East) surround the area. Appendix C illustrates the site's location.

Current Official Plan policy supports open space/park development on City owned lands surrounding Windemere Basin. Possible uses include a visitor centre, museum, recreation and conservation areas, trail centre and information centre. The Windemere Basin Steering Committee was established in the spring of 2001. The committee was comprised of the Hamilton Naturalists' Club, Hamilton Harbour Fish and Wildlife Habitat Rehabilitation Project, Hamilton Harbour Remediation Action Plan, Environment Canada Wildlife Service, Hamilton Region Conservation Authority, Hamilton Beach Preservation Committee, Hamilton Harbour Commissioners, Fisheries and Oceans, Bay Area Restoration Council, Royal Botanical Gardens, and City of Hamilton staff. The committee established a vision for the land base surrounding the basin as a predominantly restored natural area with passive recreational uses, pursuant to the

Official Plan policy. Zoning and official plan direction for general and specific land use is in place in the forms of By-laws 00-147 and 00-212. A Holding "H" provision on City owned lands as defined in By-law 212, requires that a storm-water management plan, an Environmental Impact Statement and Record of Site Condition are completed and approved prior to lifting of the Holding provision. No change of land use is permitted until the "H" is lifted.

Currently, the Hamilton Waterfront Trust is investigating the soil cap on the site. City of Hamilton Water and Wastewater Division are also investigating the potential of depositing dredging materials from the basin onto the land base surrounding the water basin. Dredging of the basin is required pursuant to the City of Hamilton's agreement with the Hamilton Harbour Commissioners.

Funding partnerships will be confirmed upon final estimate of the works. The execution of the Windemere Basin project will proceed once the soil cap and dredging investigations have occurred.

It is recommended that the project lead for the Windemere Basin project is the Hamilton Waterfront Trust subject to confirmation of compliance with the SuperBuild funding agreement and partnership funding contributions shown in Table 2.

It is projected that annual maintenance costs for Windemere Basin once completed, will be approximately $30,000 per year.

Dieppe Veterans' Memorial Park:
Estimated Cost: $420,000

This memorial park on Beach Boulevard at Manor Avenue commemorates the Hamiltonian veterans that lost their lives during the World War II Dieppe Raid in France. The 0.25 hectare park is designed as a formal memorial that will describe the Dieppe Raid itself and list approximately 200 veteran's names that lost their lives in the raid.

The park design has been completed and is attached to this report as Appendix D. It is intended that the park design be put out to tender for construction in mid-April 2003.

In the fall of 2002, confirmation and the amount of SuperBuild funding had not been confirmed. The City of Hamilton wished to ensure that the Dieppe Veterans' Memorial Park would be constructed for the 61st anniversary of the Dieppe Raid on August 19, 2003. It was recommended to the Community Trust Panel that an amount of up to $500,000 be approved to provide for the design and construction of the memorial park to be funded from the Mayor's Community Trust Fund. On September 11, 2002 Council approved $350,000 from the Hamilton Future Fund (report FCS02107) for the design and construction of Dieppe Veterans' Memorial Park.

Funding for Dieppe Veterans' Memorial Park was originally submitted to SuperBuild for 50% funding, at a total cost of $240,000. Council endorsed the funding submission on January 31, 2001 through report CSO1009. Canada-Ontario Infrastructure Funding was announced on March 5, 2003 to support City of Hamilton projects at a 30% funding level. Therefore, Canada-Ontario Infrastructure funding for the Dieppe Park project is $70,000, which brings the total amount available for the project to $420,000.

As staff began to work with the Veterans' group in finalizing the design of the memorial park, it became evident that the original three (3) plaques that were envisioned for the memorial, evolved to a total of fifteen (15) plaques. The fifteen plaques are necessary to tell the story of the Dieppe Raid plus list the approximately 200 veterans' names who perished. It should be noted that the Veterans' committee is attempting to recover the costs of one of the plaques for $13,662.00 from the Federal Ministry of Heritage. Additional costs also resulted from lighting and electrical considerations for the memorial, plus suggestions at the public meeting of January 30, 2003 including adding a drinking fountain, additional plant material, site furniture and parking. Therefore, the total budget of $420,000 is required to address the required program for the memorial.

The project lead for the Dieppe Memorial Park is Open Space Development, Capital Planning and Implementation, Public Works.

The Dieppe Memorial Park project has forecast annual maintenance costs of $5,000 incorporated within the City's 2003 operating budget.

Confederation Park:
Estimated Cost: $2,300,000

The Confederation Park West project has an overall project budget of $2,300,000. The description of works for this project is as follows:

Leisure Pool/Community Centre	$1,815,000
Parking	$ 196,000
Site Works, Services & Plantings	$ 149,000
Waterfront Trail Upgrade	$ 140,000
Total	$2,300,000

A summary of the funding sources for the above projects are as follows:

SuperBuild	$ 690,000
City of Hamilton 2002 Capital Program	$ 825,000
Hamilton Waterfront Trust	$ 350,000
Hamilton Conservation Authority	$ 435,000
Total	$2,300,000

For economies, the Hamilton Waterfront Trust and the Hamilton Conservation Authority are combining the community centre building and the trail washrooms together, along with site services such as parking and landscaping.

Additional contribution as outlined in Table 2 from the Hamilton Conservation Authority will be confirmed.

Project lead on the Confederation Park project is the Hamilton Conservation Authority. The Conservation Authority will be executing the required funding agreement with SuperBuild or designate on behalf of the project partners.

Other Waterfront Related Projects:

In addition to the West Waterfront Trail Extension, the Appendix B drawing also illustrates a connection of this trail along the Discovery Centre Access Road to the Discovery Centre site. Staff will confirm with the Hamilton Waterfront Trust with respect to a partnership agreement in the construction of the waterfront trail along the access road and the west half of the Discovery Centre site. Table 2 indicates the proposed funding for the Discovery Centre Access Road Trail and the Waterfront Trail – Discovery Centre that is the trail along the west half of Pier 8/Discovery Centre. The drawing also illustrates the potential of connecting the trail in the long term, in an easterly direction along the northern and eastern faces of the pier to Catharine Street.

It is recommended that the project lead for the above two projects is the Hamilton Waterfront Trust subject partnership funding contributions shown in Table 2.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications:

Refer Table 2.

Legal Implications:

In order to obtain Canada-Ontario Infrastructure Program and SuperBuild funding, the City must execute a funding agreement with the province. Schedule A, Article 5, item 29 of the provincial funding agreement indicates the following;

1. ***Competitive process.*** The Recipient shall acquire all equipment, services and supplies required for the Project through a competitive process that ensures the best value for funds expended. For equipment, services and supplies the estimated cost of which exceeds $25,000.00 the Recipient shall obtain at least three written quotes unless:
   (a) the expertise the Recipient is purchasing is specialized and is not readily available; or
   (b) the Recipient has previously researched the market for a similar purchase and knows prevailing market costs for the equipment, services or supplies purchased.

As noted through report CS02008, the City has previously entered into a service agreement with the Hamilton Waterfront Trust to design and construct the Hamilton Beach Trail and the West Waterfront Trail Extension. Similarly, this report is recommending that the Hamilton Waterfront Trust design and construct the funded Windemere Basin project.

In engaging the Hamilton Waterfront Trust to lead this project, the City of Hamilton would be sole sourcing the consulting work to the Hamilton Waterfront Trust based on existing knowledge and their previous waterfront trail experience. It is recommended that this arrangement be confirmed with the Province prior to initiating the Service Agreement.

Funding agreements with SuperBuild or designate will be required related to Table 2 Items 1, 2, 3 and 4. Item 5 Confederation Park is being led by the Hamilton Conservation Authority with funding reports and agreements being submitted by the Hamilton Conservation Authority.

Staffing Implications:

Operational impacts identified in background. Resource implications to be confirmed.

Legal Implications:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

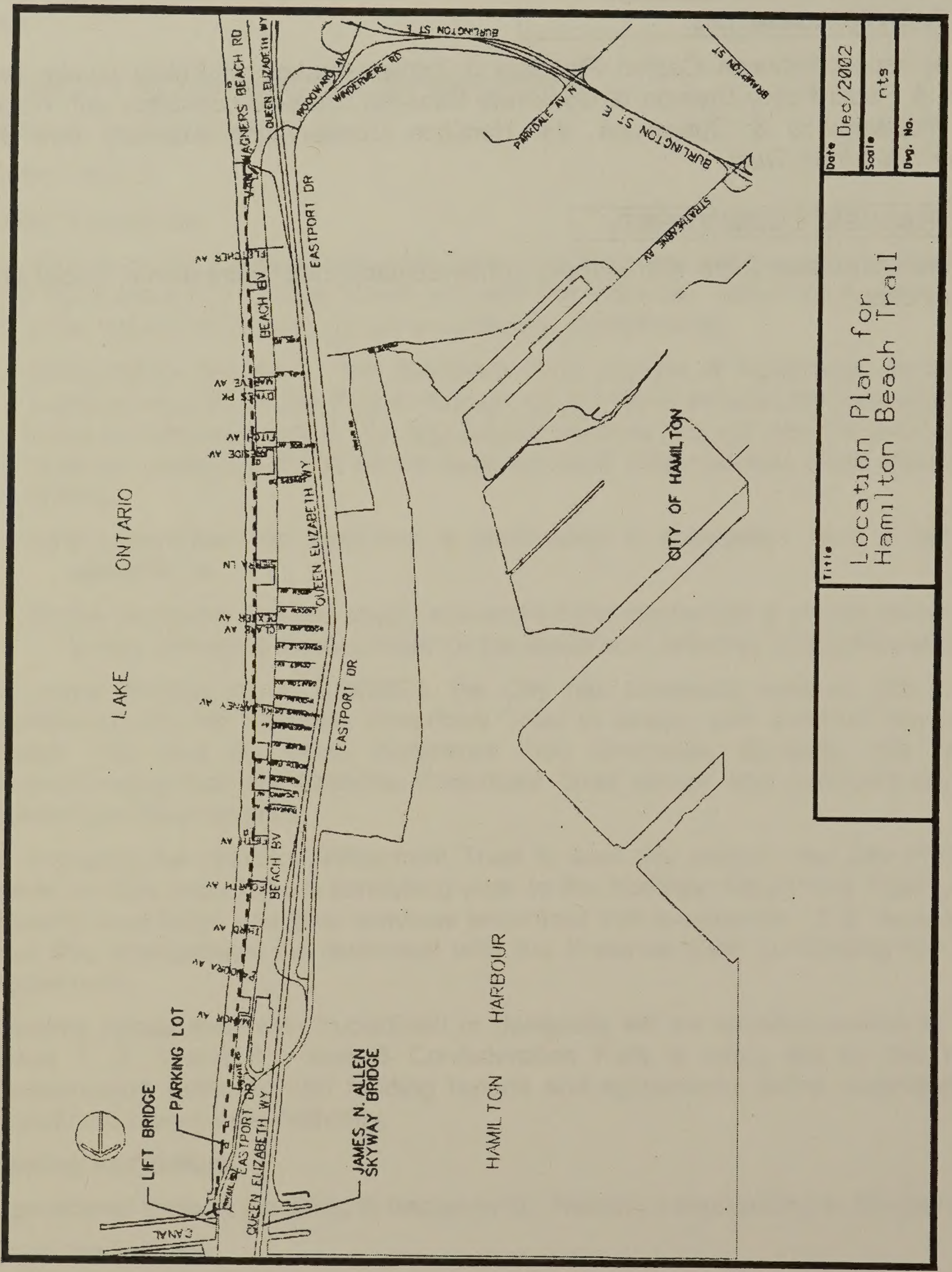
This joint report between Capital Planning & Implementation of Public Works and Budgets & Fiscal Policy Division of Corporate Services has also consulted with Public Works Maintenance & Operations, the Hamilton Conservation Authority and the Hamilton Waterfront Trust.

CITY STRATEGIC COMMITMENT:

Consistent with Vision 2020 with respect to trail development, recreational, social and health benefits.

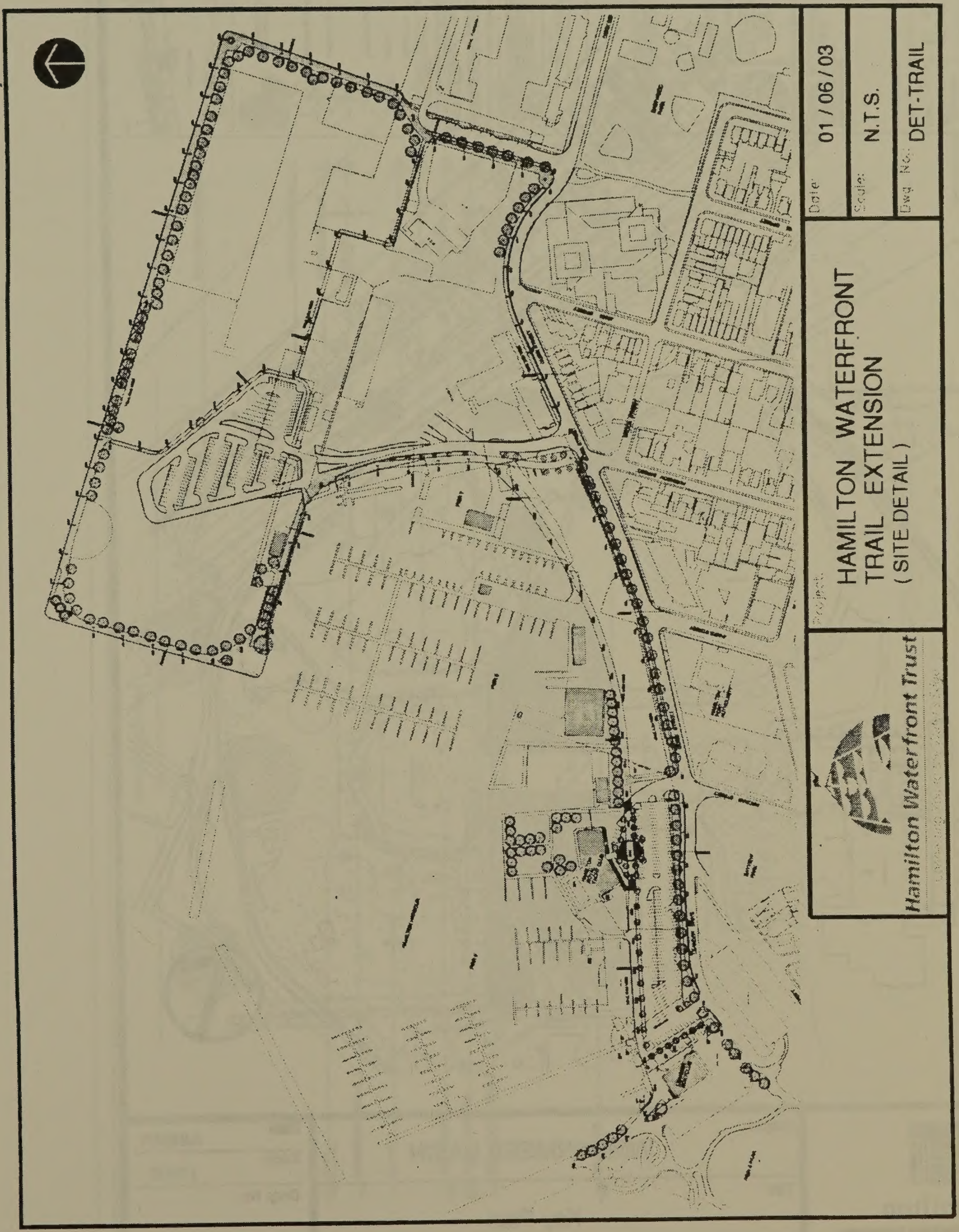
Appendix A

The Hamilton Beach Recreational Trail


LAKE ONTARIO
HAMILTON HARBOUR
CITY OF HAMILTON
LIFT BRIDGE
PARKING LOT
JAMES N. ALLEN SKYWAY BRIDGE
CANAL
BURLINGTON ST E
BRAMPTON ST
PARKDALE AV N
WINDERMERE RD
WOODWARD AV
STRATHEARNE AV
VAN WAGNERS BEACH RD
QUEEN ELIZABETH WY
EASTPORT DR
BEACH BV
FLETCHER AV
DYNES PK
FOURTH AV
THIRD AV
MANOR AV
Date Dec/2002
Scale nts
Dwg. No.
Title Location Plan for Hamilton Beach Trail

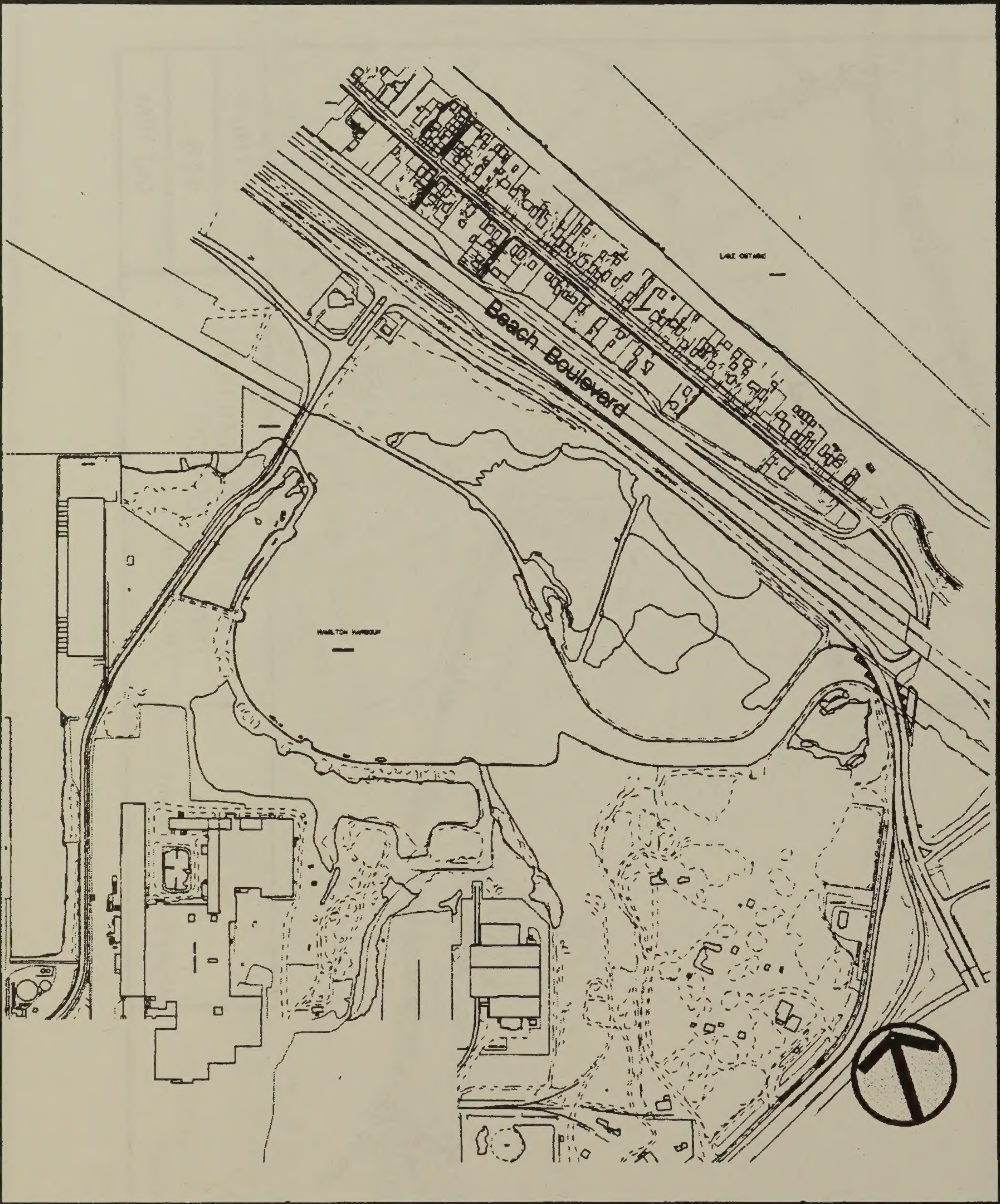
Appendix B

West Waterfront Trail Extension


Date: 01 / 06 / 03
Scale: N.T.S.
Dwg. No.: DET-TRAIL
Project: HAMILTON WATERFRONT TRAIL EXTENSION
(SITE DETAIL)
Hamilton Waterfront Trust

Appendix C

Windemere Basin

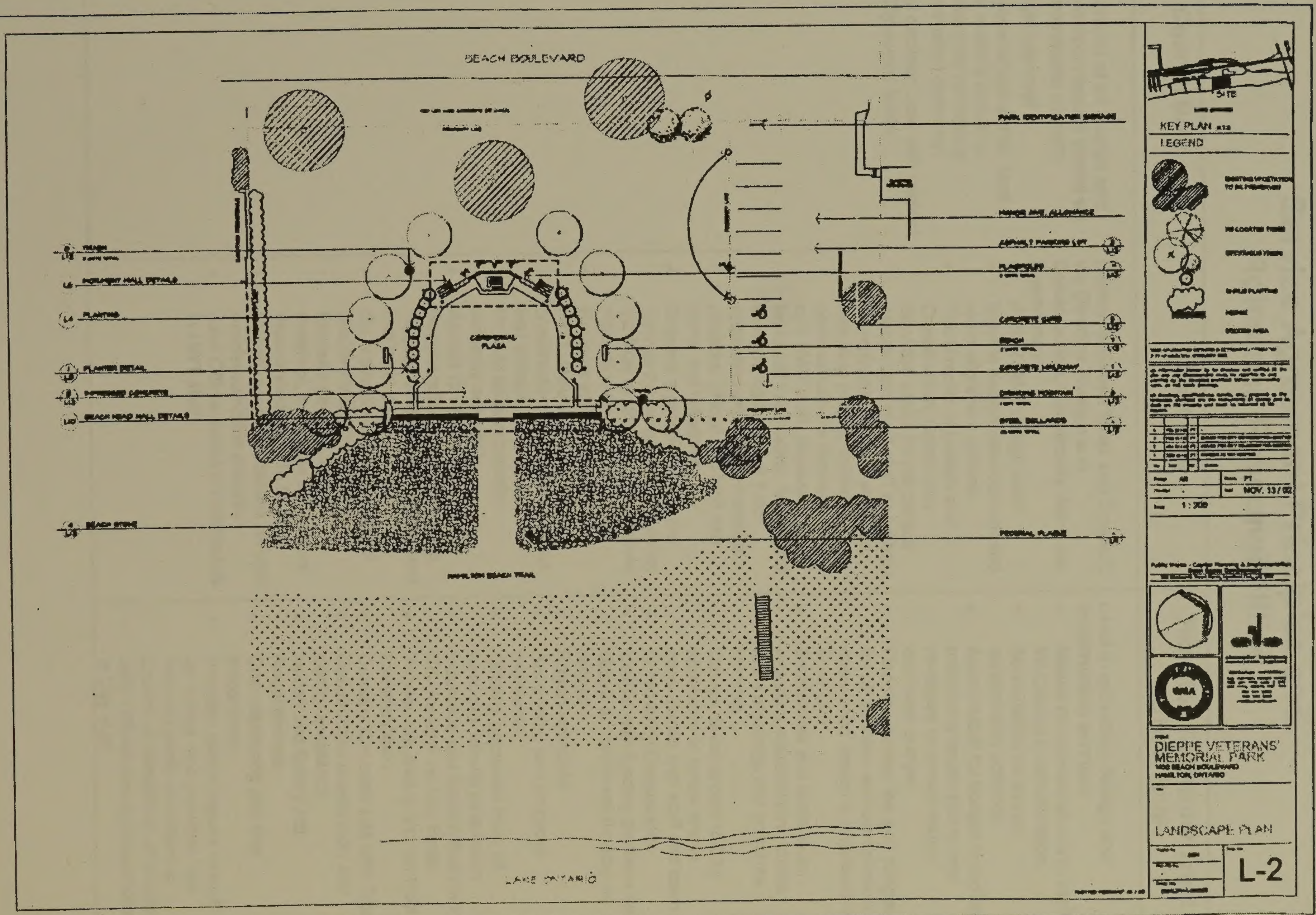

Beach Boulevard
LAKE ONTARIO
HAMILTON HARBOUR

Hamilton
Public Works - Open Space Development

Project	WINDERMERE BASIN	Date JUNE/01
		Scale 1:7500
Title	Key Plan	Dwg. No.

Appendix D

Dieppe Veterans' Memorial Park


BEACH BOULEVARD
PARK IDENTIFICATION SIGNAGE
ASPHALT PARKING LOT
FLAGPOLES
CONCRETE CURB
BENCH
CONCRETE WALKWAY
DRINKING FOUNTAIN
STEEL BOLLARDS
TRASH
MONUMENT WALL DETAILS
PLANTING
PLANTER DETAIL
PATTERNED CONCRETE
BEACH HEAD WALL DETAILS
BEACH STONE
CEREMONIAL PLAZA
HAMILTON BEACH TRAIL
LAKE ONTARIO
SITE
KEY PLAN
LEGEND
NOV. 13/02
1 : 200
DIEPPE VETERANS' MEMORIAL PARK
HAMILTON, ONTARIO
LANDSCAPE PLAN
L-2

Appendix E

Excerpt from Report CS02008/FCS0215

Service Agreement Principles and Roles and Responsibilities

Council Role	Staff Role	Hamilton Waterfront Trust (HWT) Role
Final Approval of all design and land disposition issues based on recommendations of staff; • Budget approval • Approval of real estate, land legal matters including agreements (excluding construction contracts) • Final decision body with respect to City owned lands	**Liaison between Trust and Council, via Director, Design and Construction, Community Services Department** • Part of HWT design team • Input in design development and route alignment options • The Director of Design and Construction, Community Services would be the contact person with HWT staff and would co-ordinate City staff activities, including but not limited to: communications between City and HWT staff, request for technical information, liaison with Council, consistency + co-ordination with other municipal projects, official and land use plans and initiatives • Ensures a process within the Service Agreement for resolving conflicts or disputes, i.e. Dispute resolution clause • Reviews status reports from HWT, including design, construction and financial status and attends all meetings • Provide base information currently available • Applies to Waterfront Regeneration Trust for funding • Negotiates detail real estate, land and legal issues • Co-ordinates between Federal Discovery Centre and HWT • Reviews designs, tender drawings, estimates and makes recommendations to Council • Makes recommendations for take over/assumption process • Joint Official opening ceremonies in HWT staff	**Lead in providing design and construction services** • Makes recommendations to staff for Council's consideration • Accountable for design, construction activities • Accountable for budget including monitoring expenditures and revenues to remain within approved budget • Fixed/guarantee fee and budget for all services and construction costs once design is approved by Council • Establishes and leads team including stakeholders, chairs team meetings and prepares minutes • Design development to City standards or better and in consultation with staff and team • Community Consultation • Liaison with funding partners and obtain an additional funding as required • Project schedule • Accounting and progress payments • Obtains approvals from all agencies having jurisdiction • Insurance and indemnification to City for work on City lands • Tender call, award and contract administration • Construction contracts with Trust • Construction supervision and quality assurance • Health and Safety Act Requirements • Commissioning and final inspections • Provides status reports to staff for review and provides final financial audit statement to Council at completion of project • Joint Official opening ceremonies in City staff

CA5 ON HAM
A34
2003

MUNICIPAL DOCUMENT

City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-012

Tuesday, April 22, 2003

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

April 15, 2003 (to be distributed)

3. DELEGATION REQUESTS

3.1 Request to address the Hearings Sub-Committee by Miriam Neale, Hamilton Conservation Authority respecting presentation on "Conservation Images"

3.2 Request to address the Hearings Sub-Committee by Claire Braden, McMaster Solar Car Project respecting the use of a 3/4 ton pick up for the month of July

3.3 Request to address the Hearings Sub-Committee by Bob Murphy, respecting electricity cost reduction opportunities for the City

4. CONSENT ITEMS

None

5. PRESENTATIONS

5.1 Commonwealth Games (City Wide) (To Be Distributed)

5.2 World and Canadian Cycling Report (City Wide) (To Be Distributed)

5.3 Red Hill Valley Project (PW03026) - (City Wide)

DISCUSSION ITEMS

6. HAMILTON POLICE SERVICES BOARD

6.1 Closed Circuit Television (CCTV) Community Consultation Update (City Wide)

7. PUBLIC WORKS

7.1 Awarding Marking of City's Recyclable Commodities to ReMM (PW03029) (City Wide)

8. ADDITIONAL ITEMS

None

9. MOTIONS

None

10. NOTICES OF MOTIONS

None

11. GENERAL INFORMATION

None

12. PRIVATE AND CONFIDENTIAL

None

13. ADJOURNMENT

OUTSTANDING BUSINESS

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
A.	Report on Colliers Recommendations – HECFI Facilities	March 28/01	Community Services		2002 - Q1
B.	Demolition of 226 Avondale Street	April 25/01	N/A		TABLED by Ward Councillor
C.	Toll for Red Hill Creek Expressway	Nov 21/01	Public Works Corporate Services	Staff to bring a report back on option for tolling Red Hill Creek Expressway	Awaiting Provincial Regulations
D.	Council Communication - Residential Care Facilities	Jan. 23/02	Public Health and Community Services	Referred to staff for comments	
E.	Strategy to attract Factory Outlet stores	Feb. 13/02/further updated on August 6/02	Economic Development	Staff to bring implementation plan to Committee	
F.	Strategy for prioritizing abandoned industrial and commercial warehouse structures	Feb. 13/02 Aug. 13/02 follow-up request made	CMT	Staff to bring implementation plan to Committee	
G.	Pest Control	May 7/02	Planning and Development	Staff to report back on control of pests/rodents prior to demolition permit issued	
H.	Hannon Post Office	May 7/02	Corporate Services	Staff to report back on possibility of address changes that align with telephone exchanges	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
Y.	HAHPI	Mar.3/03 Budget	Planning and Development	Staff to report back with detailed Terms of Reference for the Housing Hamilton Innovations fund	
Z.	Transit Service	March 3/03 Budget	Public Works	Staff to report back on transit service levels, public consultation of process for transit	
AA.	Budget/Policy Consideration	March 3/03 Budget	Corporate Services	Staff to report back on accumulated debt	
BB.	Future consulting costs	March 3/03 Budget	CMT	Staff to report back on all future consulting costs	
CC.	Shifting Gears	March 4/03	Public Works	Staff to report back on plan's implementation, outstanding issues, goals	
DD.	Keys to Home - Housing Policy	March 4/03	Planning and Development	Staff to report back with draft plan by August 31/2003	
EE.	Retail Booths at City Hall and Municipal Service Centres	March 18/03	City Manager/Corporate Services	Staff to report back on concept	
FF.	Commonwealth Games Stadium review	March 18/03	Community Services	Staff to report back with short list of candidate sites	
GG.	Petitioning the Provincial Government re: assessment system	March 25/03	Corporate Services	Staff to report back re: plan	Report back in 5 weeks May 6/03
HH.	Severe Acute Respiratory Syndrome (SARS)	Apr. 1/03	Public Health	Staff to report to back on a regular basis the city resources expended	Ongoing

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
II.	Policy to permit staff to go onto private property	April 1/03	Public works/Planning / Legal	Staff to formulate policy	
JJ.	Plan for Contingency Fund	April 1/03	Corporate Services	Staff to formulate policy	

SECTION 2

3.1

From: Neale, Miriam
Sent: Wednesday, April 09, 2003 8:59 AM
To: Caterini, Rose
Subject: Request re Delegation to Council

I have been asked by Scott Konkle, current General Manager of the Hamilton Conservation Authority, to request an opportunity to appear before Council to show them our "Conservation Images" slide presentation (approximately 10 minutes in length). We are very proud of what this slide presentation shows, and believe that City Council members would be proud as well. We would like to make our presentation to Council before the end of June if possible.

Please advise.

Thanks!

Miriam Neale
Executive Assistant
Hamilton Conservation Authority

905-525-2181, ext. 112

McMaster
Solar Car Project

Racing
Beyond All
Expectations
www.solarcar.mcmaster.ca

3.2

Attn: Alexandra Rawling
City of Hamilton
Hearing Sub-Committee
April 8, 2003

Re: Truck Proposal

Dear Ms. Rawling,

The McMaster University Solar Car Team would like the City of Hamilton's participation in a project that is shedding new light on the future of renewable energy. Our 35-member student team is currently designing and building our second generation solar vehicle, Fireball II, with the goals of educating the public about green transportation alternatives, as well as finishing in the top ten at the 2003 American Solar Challenge.

Our team is asking for the temporary usage of a ¾ ton pick up truck for the month of July so that we can compete in the American Solar Challenge. I would like to appear before the Hearings Committee on behalf of the team to explain the benefits to City's continued participation in our project. Please include us on the Hearings Sub Committee agenda at your earliest possible convenience.

Thank you for your cooperation.

Sincerely,

Claire Brade

Claire Braden
Project Leader
McMaster Solar Car Project

McMaster University, John Hodgins Engineering Building Rm 263
1280 Main St. West Hamilton, ON Canada L8S 4L8
Phone: (905) 525-9140 ext 27388 Fax: (905) 528-4952 www.solarcar.mcmaster.ca

3.3

Original Message-----
From: Energy Cost Solutions [mailto:save@energycostsolutions.com]
Sent: Wednesday, April 09, 2003 12:38 PM
To: clerk@hamilton.ca
Cc: Bob Granger
Subject: Electricity Cost Reduction Initiative

Hello Kevin,
We are an electrical energy conservation company operating from The City of Hamilton. I have spoken to members of both Staff and Council on different occasions and would like to formally request an audience with the Hearing Sub Committee in order to provide a brief presentation on electricity cost reduction opportunities for the City. There would be two of us attending. Please let me know of possible dates.
Regards,

Bob Murphy Certified Energy Consultant

1137 Woodburn Road, RR#1 Hannon ON L0R 1P0 905-692-ECSI

SECTION 4

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

5.3

PUBLIC WORKS DEPARTMENT
Red Hill Valley Project

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	March 31, 2003	**Prepared by:**	Chris Murray Extension 2343

SUBJECT: Red Hill Valley Project (PW03026) - (City Wide)

RECOMMENDATION:

(a) That staff recommence construction of the Red Hill Valley Project, including contract tendering and award, in accordance with the Construction Staging Strategy described in Appendix A of Report PW03026 and corporate procurement award policies and procedures.

(b) That staff be authorized and directed to allocate approved budget funds to existing and/or new Red Hill Valley Project ID's as so required to coincide with the staging strategy.

(c) That staff provide the Expressway Implementation Committee with a quarterly report that tracks project construction awards and expenditures.

(d) That a Purchase Order be issued to Canadian National Railway (CNR) in the amount of $2.0 million and charged to account 59265-4060089005 for services and materials provided by CNR in association with the construction of the proposed grade separation bridge over the Red Hill Creek Expressway (see map - Appendix B).

(e) That staff proceed with the Community Relations Plan described in Appendix C of Report PW03026.

(f) That staff develop and participate in implementing a community information program that explains the importance of this project to Hamilton's future.

(g) That staff be authorized and directed to address noise attenuation and negotiate property acquisition on a willing buyer/willing seller basis for those properties that warrant noise wall construction and for which no other feasible option for noise attenuation is available.

(h) That the existing Expressway purchase orders be increased for Stantec Consultants (P.O. #1643), Philips Engineering (P.O. #1640) and McCormick Rankin (P.O. #1288) to complete detailed design work by $420,000, $400,000 and $400,000 respectively and that these funds are approved within the 2003 budget allocation.

(i) That the design consultants (Stantec Consultants, Philips Engineering and McCormick Rankin) be invited to prepare and submit proposals for award by the General Manager of Public Works for the provision of Contract Supervisor and Resident Inspector services for their relevant areas of Expressway design.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

In 1997, the Minister of Environment issued a Declaration Order under the Environmental Assessment Act of Ontario approving an impact assessment process that would allow the former Region of Hamilton-Wentworth (now City) to make changes to the valley portion of the Expressway, including a final QEW interchange design. The purpose of these changes is to reduce the environmental impacts of the project approved in 1985 while maintaining traffic operations at an acceptable level. The results of this process are described in the Red Hill Valley Project Impact Assessment and Design Process report (April/2003). In summary, significant improvements have been made to:

- Red Hill Creek (improved fishery, stabilized bank erosion, and extended life of Windermere Basin sediment trap);
- Stormwater Management (improved water quality); and,
- Terrestrial Resource Impact (improved wildlife migration along the Niagara Escarpment and less road-related habitat loss).

Staff therefore recommends that the City implement the detailed design and construction phase of the Declaration Order process. In this phase, staff will address remaining detailed design matters, obtain required permits and tender/manage the construction of the Red Hill Valley Project as per the staging strategy described in Appendix A of Report PW03026.

Permits and approvals associated with the aforementioned staging strategy have been reviewed with government authorities over the last several months. At this point in time, staff sees no legitimate reason for agencies to delay in issuing permits as per the construction schedule.

On March 6, 2003, Council approved a $19.6 million dollar cash flow budget that enables staff to move forward with 2003 works. Council also approved funds on a commitment basis in the amount of $47.02 million dollars allowing staff to move forward with post 2003 works. Staff recommends that they be authorized and directed to allocate approved budget funds to existing and/or new Red Hill Valley Project ID's to coincide with the staging strategy. Tracking of project awards and expenditures will be reported to the Expressway Implementation Committee on a quarterly basis. Staff will also ensure that the procurement award policies and procedures for awarding contracts are adhered to and that this information be included in the quarterly reports as previously noted.

The first stage of construction requires a Canadian National Railway (CNR) bridge to be built over the Expressway alignment (see map - Appendix B). Construction is expected to start in June of 2003 and end in the summer of 2004. CNR will oversee the rail detour and other live rail associated works. CNR will also be providing a flagman for the duration of the works adjacent to the tracks and will require a separate inspector for the structural components of the work. All these items are at the cost to the City as agreed in the original approval and Board Order from the National Transportation Board.

With construction expected to begin in Spring 2003 and end by Fall 2007, staff recommends implementing the Community Relations Plan described in Appendix C of Report PW03026. The plan explains how remaining Impact Assessment details and project construction activity will be undertaken during the final phase to promote the exchange of information and resolution of issues. Included in this phase of activity is the Landscape Management Plan which details how landscape restoration, recreation and cultural heritage activities will be achieved. Staff will be seeking input on these proposals starting this Spring.

More than 15 years have elapsed since the project was approved and construction-staging plans have been developed for Red Hill Valley. The effects of this delay and the community need to move forward with construction should be communicated to the citizens of Hamilton. Staff therefore recommends the development and implementation of an information program that explains the importance of this project in terms of Hamilton's immediate needs and its future.

Traffic noise is a predictable impact of this project. Where feasible, noise barriers or walls will be constructed for the approximately 210 residences that warrant noise attenuation. Initial investigations indicate that approximately 170 residences can benefit from either a berm or wall being constructed on publicly owned land or along the rear property line with minor to moderate impacts. The remainder will involve varying amounts of private property to consider making effective and feasible wall construction and ongoing maintenance. Staff should therefore be authorized and directed to negotiate property acquisition on a willing buyer/willing seller basis.

Over the past year, Members of Council and staff have met with Six Nation representatives, on several occasions, to discuss issues ranging from project planning to native burials. The City will continue to participate in these discussions in the hope that the perspectives of both communities can be respected.

Costs to complete the detailed design and pre-construction work necessitate increasing consultant budgets. Staff therefore recommends that the existing Expressway purchase orders be increased for Stantec Consultants (P.O. #1643), Philips Engineering (P.O. #1640) and McCormick Rankin (P.O. #1288) by $420,000, $400,000 and $400,000, respectively, in compliance with corporate purchasing procedure PR-11, criteria (h) revised or expanded works (Revised December 21, 2001). These funds are approved within the 2003 budget allocation.

Future fees for the Contract Supervisor and Resident Inspector is expected to be approximately 6.5% of the value of project construction which is forecasted at $139 million (i.e., approximately $9.1 million). Regional Council previously approved the policy of assigning the Resident Inspection and Contract Supervision for the construction work to the consultant that prepared the design. This approach was successfully used for the construction of the Lincoln M. Alexander Parkway. Costs incurred for this work were held below the budgeted amount and industry averages. Staff are therefore recommending that the design consultants (Stantec Consultants, Philips Engineering and McCormick Rankin) be invited to prepare and submit proposals for award by the General Manager of Public Works for the provision of Contract Supervisor and Resident Inspector services for their relevant areas of Expressway design.

BACKGROUND:

Detail Design and Construction Phase

During this last phase of the Declaration Order process, staff will:

- review with the public and government agencies the Draft Landscape Management Plan (including trails and pedestrian crossings, recreational parks, and habitat restoration);
- consult with adjacent residents impacted by noise barrier features;
- prepare a Design Report that details mitigation strategies and monitoring plans;
- prepare an Environmental Management Plan that helps ensure commitments are upheld by contractors and staff during construction;
- initiate construction in accordance with the staging strategy described in Appendix A of Report PW03026 (with the understanding that required permits from government agencies are obtained);
- allocate approved budget funds to existing or new Red Hill Valley Project ID's as so required to coincide with the staging strategy; and
- provide the Expressway Implementation Committee a quarterly report that tracks project construction awards and expenditures.

On March 6, 2003, Council approved a 19.6 million dollar cash flow budget that enables staff to move forward with 2003 works. Council also approved funds on a commitment basis in the amount of $47.02 million dollars allowing staff to move forward with post 2003 works.

CNR Bridge Construction

The Expressway will pass under the CNR track (Grimsby subdivision) that crosses the Red Hill Valley north of Barton Street and south of the former Rennie Street works yard (see map - Appendix B). The City must therefore construct a rail bridge to support the two existing mainline tracks. An agreement with CNR for this work was reached in 1999, requiring the City (then Region) to pay all costs associated with bridge construction, including those incurred by CNR. The bridge will be the property and maintenance responsibility of CNR following construction and the initial contractor warranty period.

In order to construct the rail bridge, the existing mainline tracks must be temporarily moved immediately north of the current track alignment. The City's contractor will construct the ground works for the rail diversion but CNR forces move the lines and undertake the necessary signal work. Upon completion of the bridge, CNR will then return and move the tracks back onto the bridge. During bridge construction, CNR will employ a flagman to ensure the operation of the Contractor does not encumber the rail operations and to provide direct communications with trains passing through the site. CNR will also require a technical representative on site during construction to undertake bridge and track inspection.

Costs including materials such as signal and communications cable, track, ties, ballast as well as the associated labour is estimated at $2.0 million. Purchase orders have already been issued in lesser amounts to CNR for pre-design reviews and purchase of materials in advance of the work to mitigate lead-time lag in their delivery. This amount is in addition to these previous PO's. This amount has been previously anticipated and accounted for in the estimates and budgets of the Red Hill Valley Project.

Community Relations Plan

The goal of the Plan is to ensure that:

- interested individuals, neighbourhoods and community stakeholders are kept informed about the progress of the project;
- residents, schools and businesses have the opportunity to provide input and advice on decisions as the project proceeds; and,
- that assessment and construction processes are transparent and accountable, open and responsive to the needs of the citizens, institutions and businesses of Hamilton.

Facets of the Plan (see Appendix C) include hiring a neutral Community Facilitator (consultant), continuing the information program with a dedicated project website, newsletters, City information services through the customer contact centre, and news releases. The Community Facilitator will produce monthly reports to the Expressway Implementation Committee summarizing public input, responses given and action taken as a result of that feedback.

As part of the Plan, staff will be requesting input on the Landscape Management Plan which details how landscape restoration, recreation and cultural heritage activities will be achieved. Discussions with government and community interests will start this Spring.

Information Program

Develop informational materials, statements and identify spokespeople able to articulate the importance of the project to the City's future. Information will be complied by staff from Planning and Development, Economic Development, Corporate Services and Public Works.

Noise Attenuation

Completion of the Red Hill Creek Expressway will require noise attenuation features (i.e., walls or berms) to be constructed adjacent to Noise Sensitive Areas (NSA). That is, single family residences, townhomes and other multiple residence buildings that have associated Outdoor Living Areas (OLA's).

There are approximately 210 residences immediately adjacent to the Expressway, which will warrant noise attenuation because of projected increases in noise. The current protocol (Ministry of Transportation/Ministry of the Environment) for providing noise attenuation is a design objective for outdoor sound level (Leq 24) of the higher of 55 dBA or the existing ambient sound exposure. However, mitigation is warranted only if the measures do not significantly affect project costs and if the measures are technically, economically or administratively feasible.

The most appropriate location to construct noise walls to provide attenuation is along the edge of the valley or along the "rim". Of the 210 residences that warrant consideration, approximately 170 can and will be provided noise attenuation by the construction of berms or walls on expressway land and/or along the rear property line with only minor to moderate grading or impacts along the property line. Of the remaining 40 properties, there are a number of feasible options available to satisfy the noise protocol.

It is recommended that staff meet with affected owners outlining the noise attenuation plans, construction impacts and property needs. It is also recommended that staff be authorized and directed to negotiate property acquisition on a willing buyer/willing seller basis for those properties directly abutting the Expressway that will be impacted by noise attenuation implementation.

Those residents, whose rear property line will be affected but not required to be purchased, will be informed and easements acquired if possible.

Consultant Contracts

The following consultant contracts should be increased by the amounts noted below:

Stantec Consulting ($420,000) – P.O. #1643
Philips Engineering ($400,000) – P.O. #1640
McCormick Rankin ($400,000) – P.O. #1288

The original purchase orders were assigned in 1991 prior to the 1997 Declaration Order. The design changes in the Declaration Order added increased structural components and design requirements to the project (e.g., escarpment crossing structure, additional structure requirements north of the CNR crossing, revised drawings and alignment components).

Since the original scope of work and fee schedule was set, there has also been significant support requested of the consultant team for the two legal actions with the Federal Government, as well as development and documentation of design options reviewed in the Impact Assessment Process.

There are also increases associated with the final contracting strategy that requires the preparation of additional previously unidentified contract packages as well as approval submissions. This increase in fees would take the current design consultants to the end of the detail design, including preparation of all contract tender drawings and specifications, approval applications and design.

Future fees for the Contract Supervisor and Resident Inspector is expected to be approximately 6.5% of the value of project construction which is forecasted at $139 million (i.e., approximately $9.1 million). Council previously approved the policy of assigning the Resident Inspection and Contract Supervision for the construction work to the consultant that prepared the design. This approach was successfully used for the construction of the Lincoln M. Alexander Parkway. Costs incurred for this work were held below the budgeted amount and industry averages.

Staff therefore proposes this process be applied to the North-South section of the Expressway construction and that the current design consultants (Philips Engineering, McCormick Rankin and Stantec Consultants) be invited to prepare and submit proposals for award by the General Manager of Public Works for the provision of

Contract Supervisor and Resident Inspector services for their relevant areas of Expressway design.

ANALYSIS OF ALTERNATIVES:

As per the funding agreement with the Ministry of Transportation (October 22, 1998),

> " The Ministry reserves the right to withdraw from the provisions for funding of the RHCE at any time, should the Region not make every reasonable effort to meet the completion date of the project recognizing the terms and conditions of the EEO and subject to the terms of the final agreement. "

Other alternatives that imply an unnecessary delay to the completion of the Expressway could trigger the aforementioned.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

Costs for detail design and 2003 construction works are covered by the $19.6 million capital budget approved for the project in March. Starting the third quarter of 2003, the Director will provide the Expressway Implementation Committee with a quarterly report that monitors project awards and spending.

Staffing

The Project Office provides administrative and managerial support to the Red Hill Valley Project. Staffing levels for 2003 will be held at 7.5 FTE. As the volume of work increases towards the third and fourth quarter of 2003, the Director will review and report back to Council the need for any additional complement. All staffing assignments are temporary for the duration of the project and all costs are included in the project capital budget.

Legal

N/A

POLICIES AFFECTING PROPOSAL:

Recommendation d) complies with corporate purchasing procedure PR–11, criteria (b) – where there is only one known source for the goods or services, as CNR are the sole source of the materials and labour required. Additionally, recommendation h) would comply with corporate purchasing procedure PR-11, criteria (h) -- expanded or coordinated works, as these particular design consultants were required to provide unanticipated ancillary assistance to City staff during the course of previous litigation with the Federal Government.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Finance Division, Corporate Services Department
Purchasing Division, Corporate Services Department

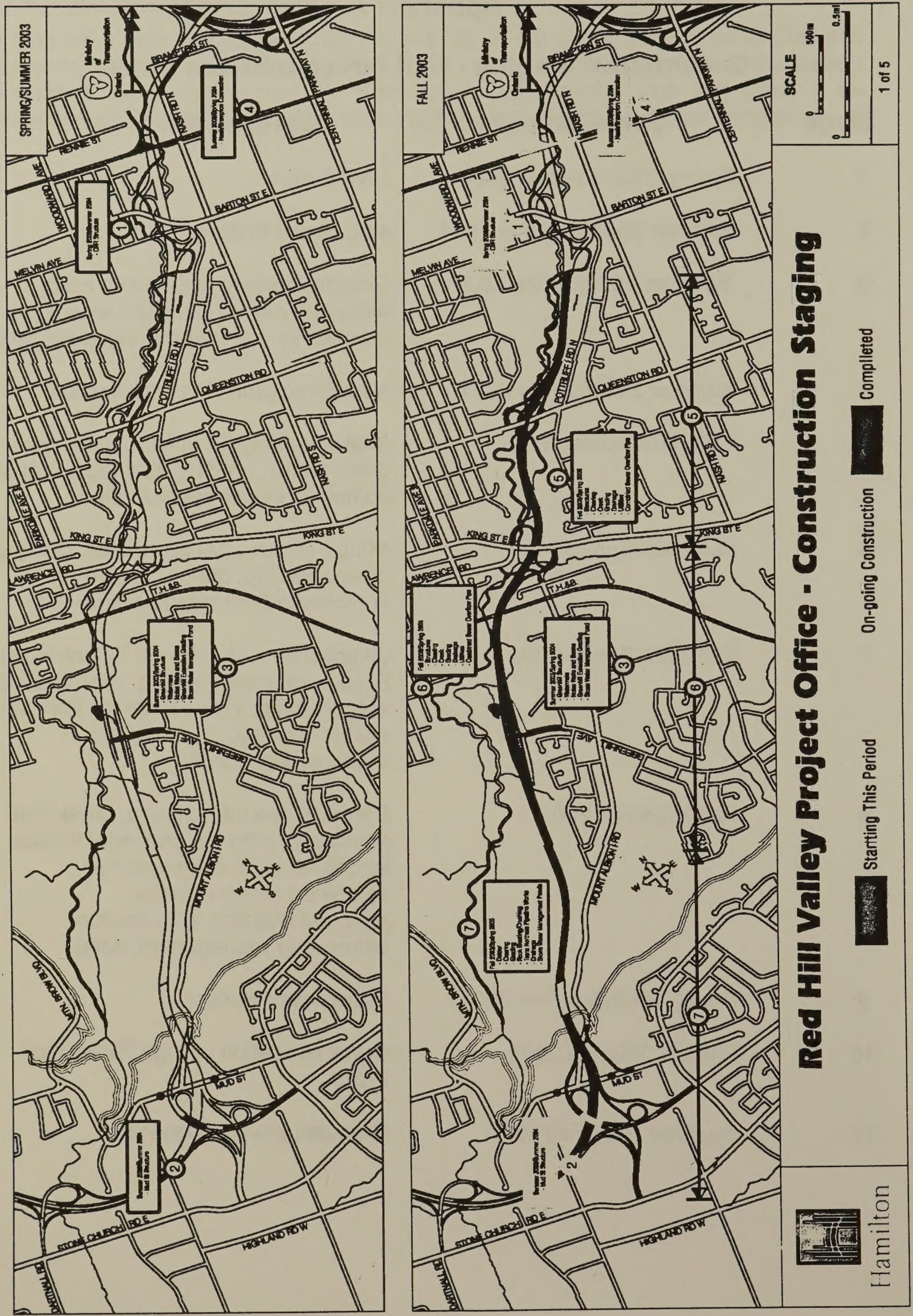
CITY STRATEGIC COMMITMENT:

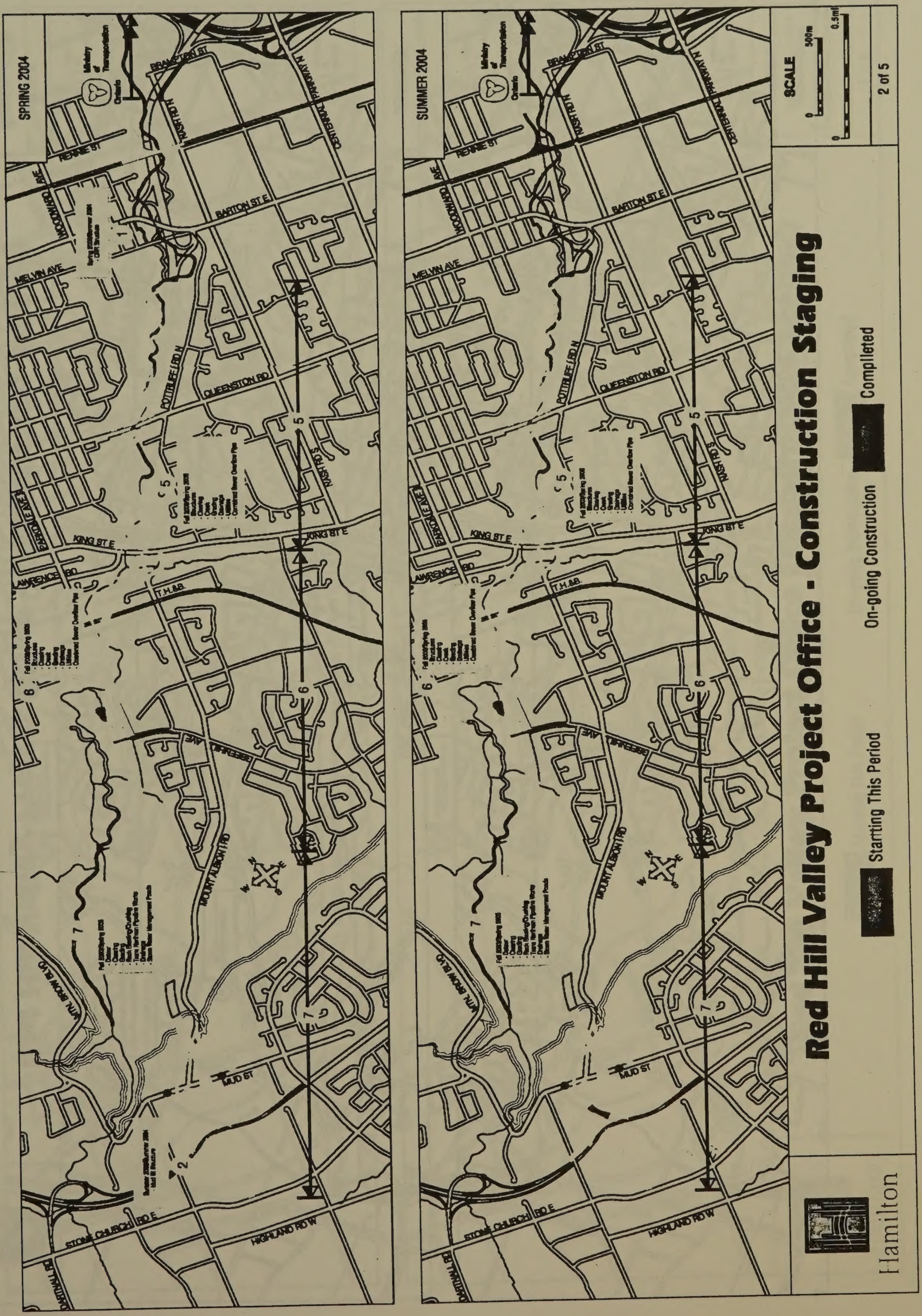
The Red Hill Valley Project represents a key link in the City's transportation plan and investment commitment in the overall growth of this community. Impacts to the natural environment were understood in 1985 when the project was approved. An unprecedented amount of effort has been made to reduce project-related impacts.

Appendix A

Construction Staging - Mud Street to Barton Street

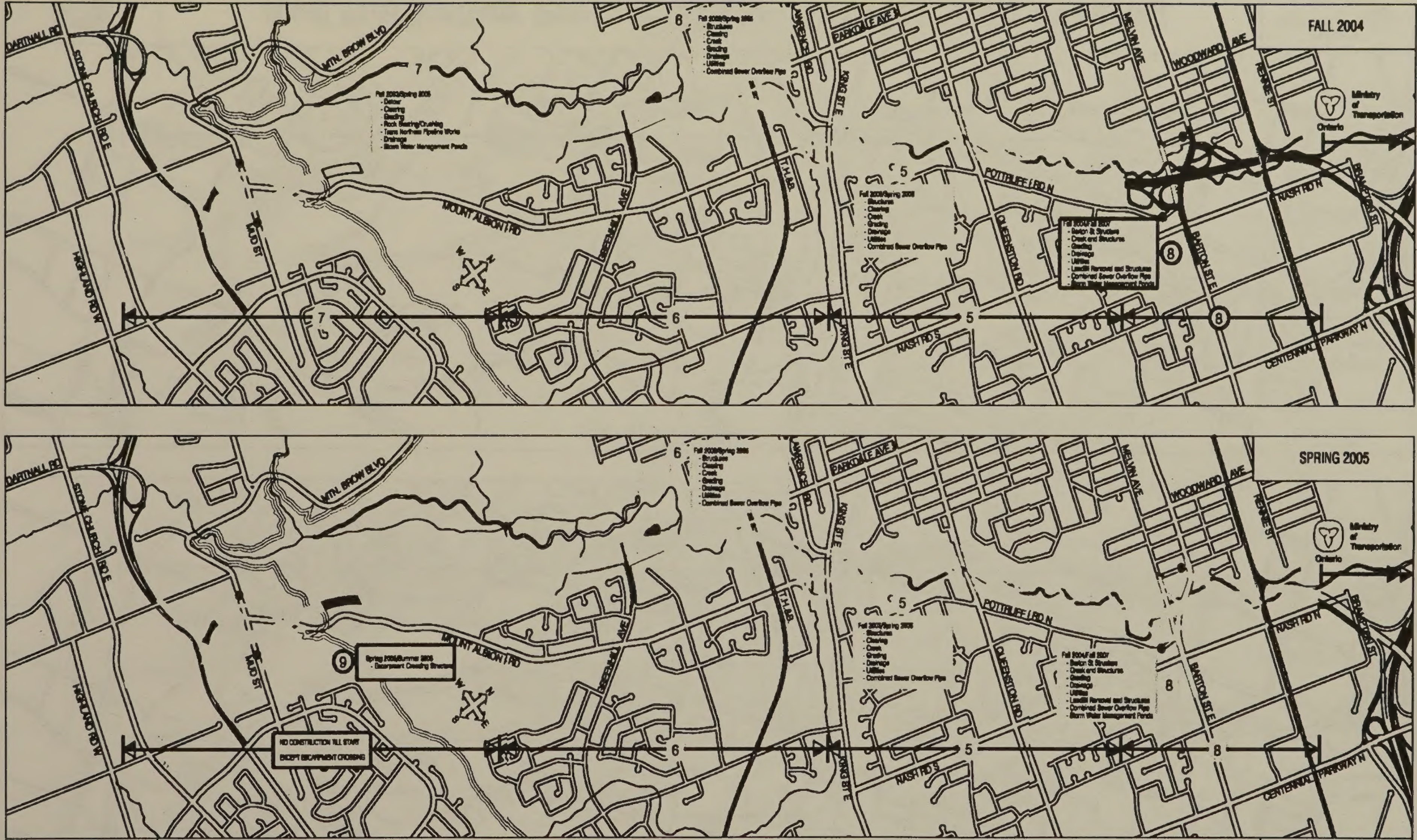
Stage	Start/Complete	Description
1	Spring 2003/Summer 2004	CNR Bridge
2	Summer 2003/Summer 2004	Mud Street Bridges
3	Summer 2003/Spring 2004	Greenhill bridge, watermain, noise walls and berms, Greenhill extension grading, stormwater management ponds
4	Summer 2003/Spring 2004	Nash/Brampton Road connection
5	Fall 2003/Spring 2005	(Melvin – King) Structures, clearing, creek works, grading, drainage, utilities, combined sewer overflow pipe
6	Fall 2003/Spring 2005	(King - Glencastle) Structures, clearing, creek, grading, drainage, utilities, combined sewer overflow pipe
7	Fall 2003/Spring 2005	(Glencastle – Mud Street interchange) Detour, clearing, grading, rock blasting and crushing, Trans Northern Pipeline works, drainage, stormwater management ponds
8	Fall 2004/Fall 2007	Barton Street interchange, creek and structures, grading, drainage, utilities, landfill removal and structures, combined sewer overflow pipe and mainline to Brampton, stormwater management ponds
9	Spring 2005/Summer 2006	Escarpment viaduct
10	Fall 2005/Spring 2006	Creek relocation - Kings Forest Golf Club
11	Summer 2006/Fall 2007	Granular, paving, signage


Red Hill Valley Project Office - Construction Staging
Starting This Period
On-going Construction
Complleted
SCALE
0
500m
0.5mi
1 of 5
Hamilton
SPRING/SUMMER 2003
FALL 2003
Ministry of Transportation
Ontario
BRAMPTON ST
RENNIE ST
NASH RD N
CENTENNIAL PARKWAY N
WOODWARD AVE
BARTON ST E
MELVIN AVE
POTTRUFF RD N
QUEENSTON RD
NASH RD S
PARKDALE AVE S
KING ST E
LAWRENCE RD
T.H.&B.
GREENHILL AVE
MOUNT ALBION RD
MUD ST
STONE CHURCH RD E
HIGHLAND RD W
DARTNALL RD
1
2
3
4
5
6
7
N
E
S
W



Red Hill Valley Project Office - Construction Staging

SPRING 2004
SUMMER 2004
Ministry of Transportation Ontario
BRAMPTON ST
RENNIE ST
WOODWARD AVE
NASH RD N
CENTENNIAL PARKWAY N
BARTON ST E
MELVIN AVE
POTTRUFF RD N
QUEENSTON RD
NASH RD S
KING ST E
BARRON ST / GREENHILL AVE
LAWRENCE RD
T.H.&B.
GREENHILL AVE
MOUNT ALBION RD
MUD ST
STONE CHURCH RD E
HIGHLAND RD W
DARTNALL RD
2
5
6
7
SCALE
0
500m
0.5mi
2 of 5
Starting This Period
On-going Construction
Completed
Hamilton


FALL 2004
SPRING 2005
Ministry of Transportation
Ontario
DARTNALL RD
STONE CHURCH RD E
HIGHLAND RD W
MTN. BROW BLVD
MUD ST
MOUNT ALBION RD
GREENHILL AVE
T.H.&B.
LAWRENCE RD
KING ST E
PARKDALE AVE N
NASH RD S
QUEENSTON RD
POTTRUFF RD N
MELVIN AVE
WOODWARD AVE
BARTON ST E
RENNIE ST
NASH RD N
BRAMPTON ST
CENTENNIAL PARKWAY N
Fall 2003/Spring 2005
- Detour
- Clearing
- Grading
- Rock Blasting/Crushing
- Trans Northern Pipeline Works
- Drainage
- Storm Water Management Ponds
Fall 2003/Spring 2005
- Structures
- Clearing
- Creek
- Grading
- Drainage
- Utilities
- Combined Sewer Overflow Pipe
Fall 2004/Fall 2007
- Barton St Structure
- Creek and Structures
- Grading
- Drainage
- Utilities
- Landfill Removal and Structures
- Combined Sewer Overflow Pipe
- Storm Water Management Ponds
Spring 2005/Summer 2005
- Escarpment Crossing Structure
NO CONSTRUCTION TILL START
EXCEPT ESCARPMENT CROSSING
5
6
7
8
9
N
S
E
W

Red Hill Valley Project Office - Construction Staging

Hamilton

▨ Startting This Period

On-going Construction

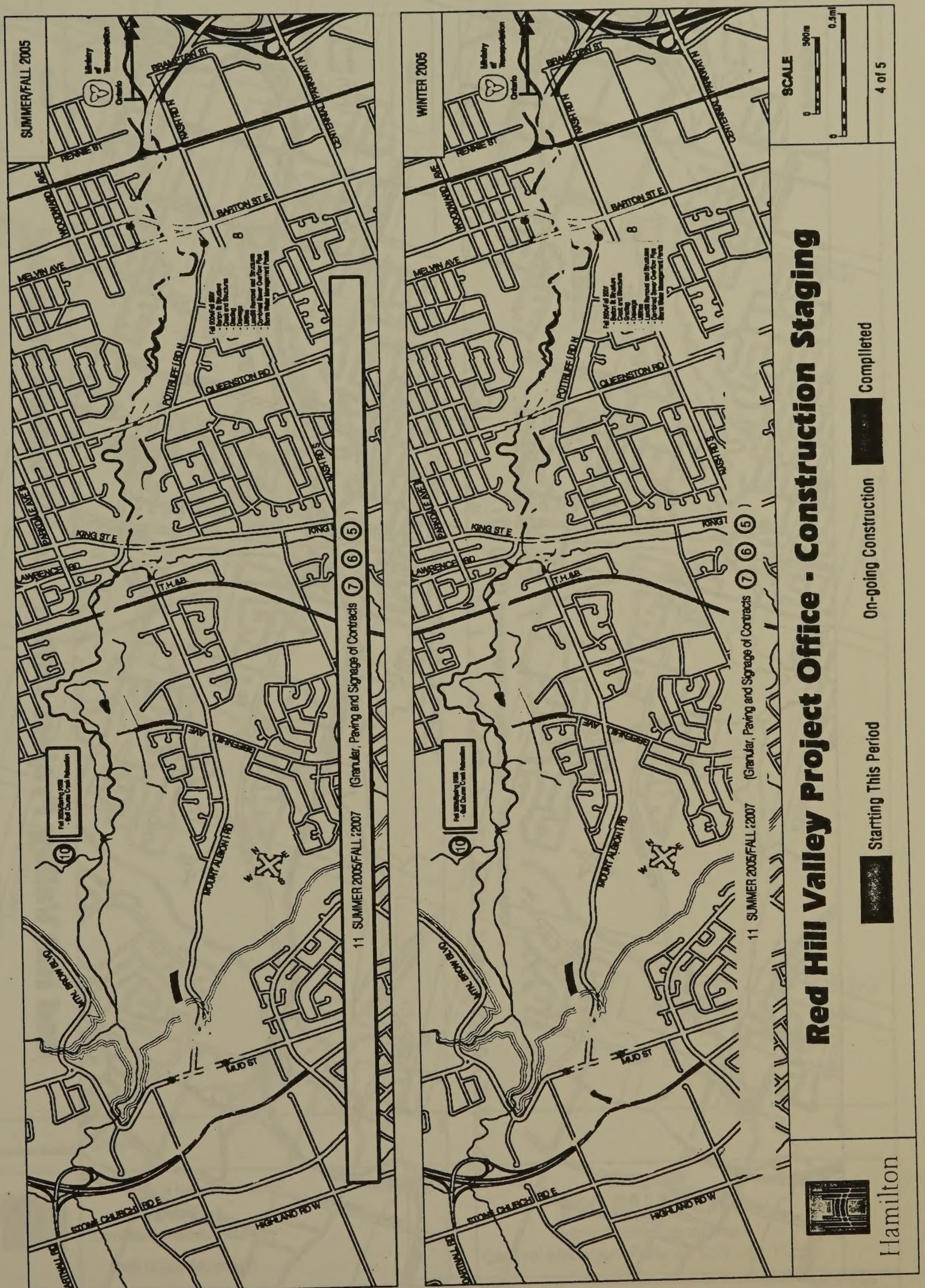
■ Complleted

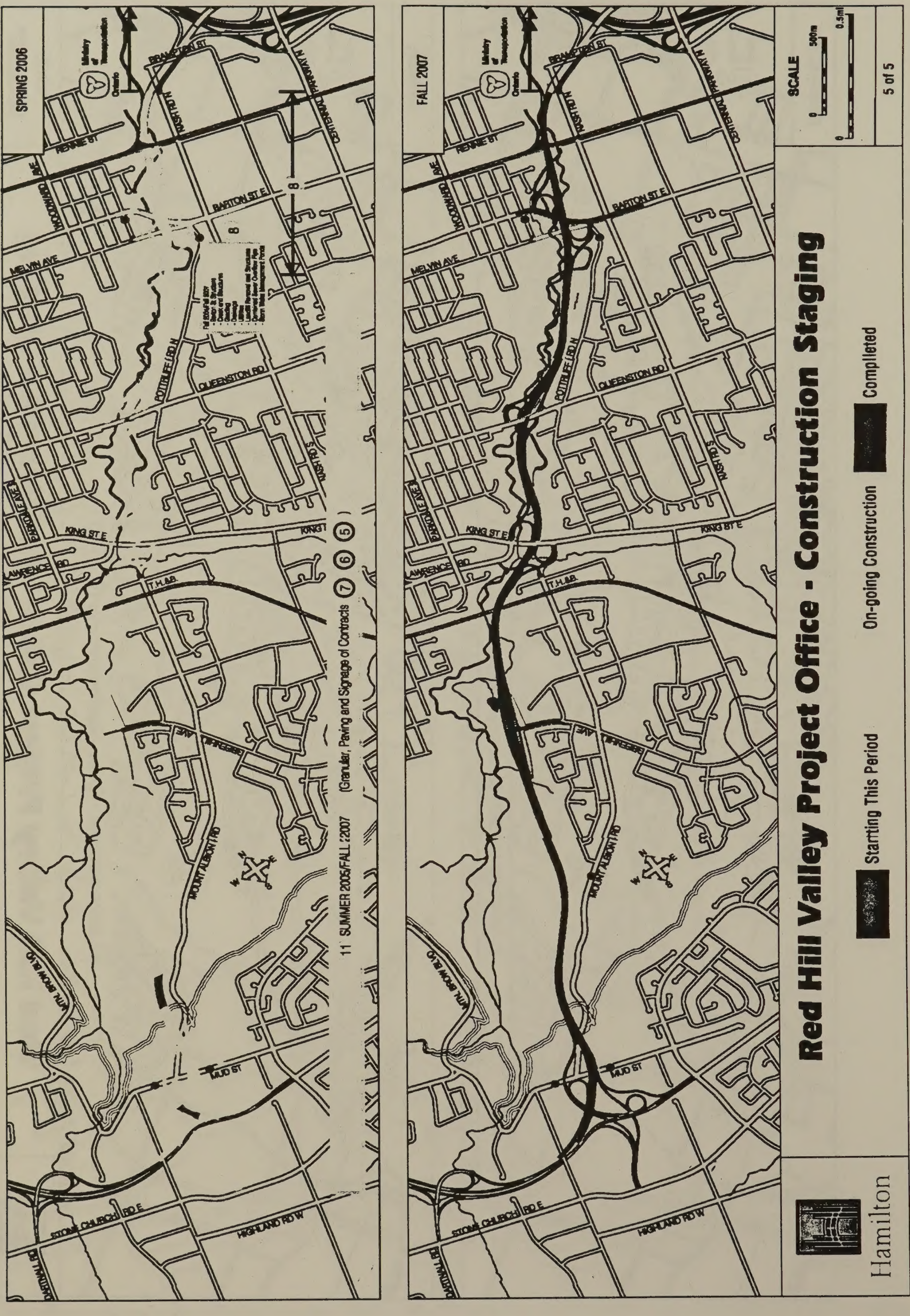
SCALE

0 500m

0 0.5ml

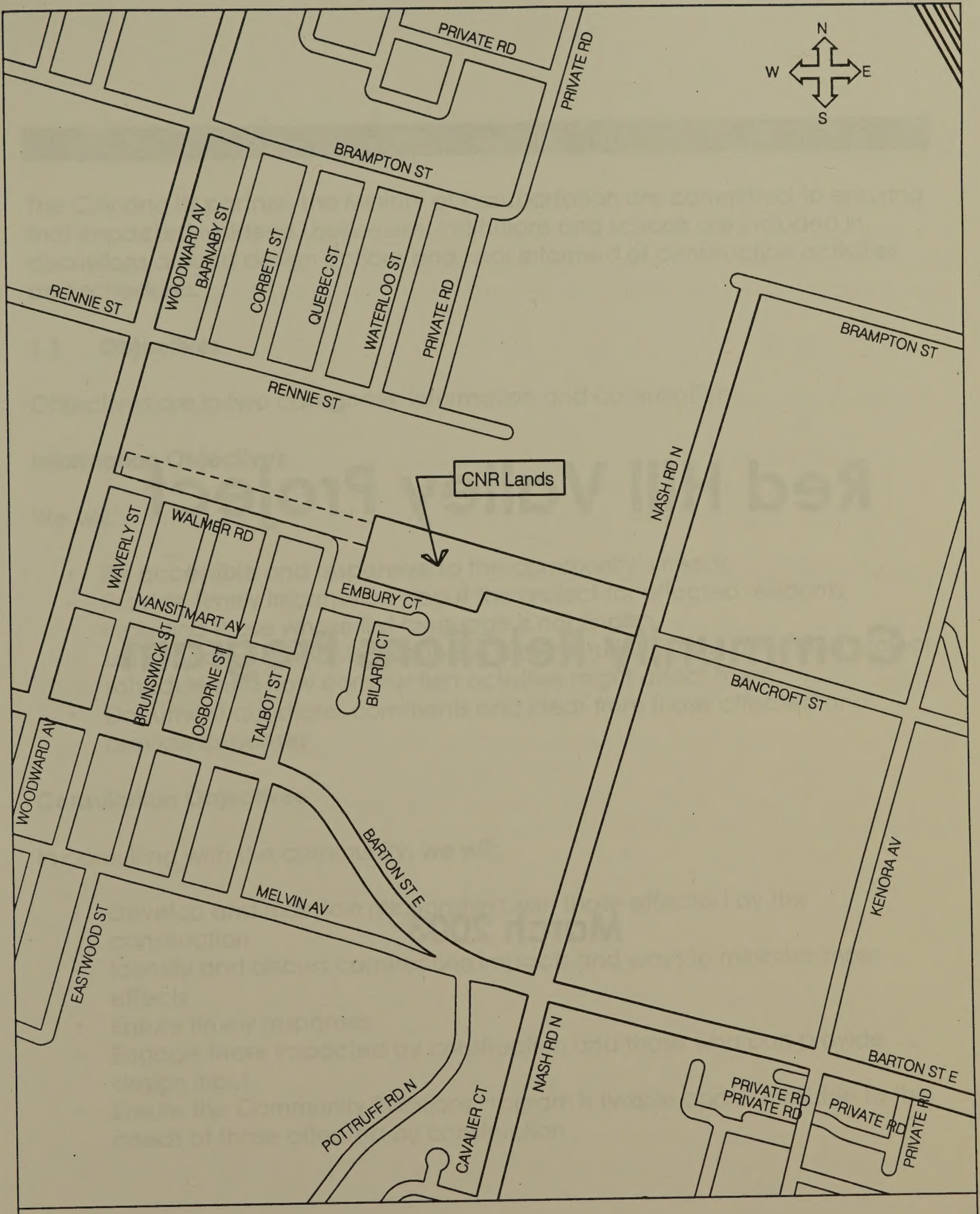
3 of 5


SUMMER/FALL 2005
WINTER 2005
Ontario
Ministry of Transportation
RENNIE ST
BRAMPTON ST
WOODWARD AVE
MELVIN AVE
BARTON ST E
NASH RD N
CENTENNIAL PARKWAY N
POTTRUFF RD N
QUEENSTON RD
PARKDALE AVE S
NASH RD S
KING ST E
LAWRENCE RD
T.H.&B.
GREENHILL AVE
MOUNT ALBION RD
MUD ST
MTN BROW BLVD
DARTNALL RD
STONE CHURCH RD E
HIGHLAND RD W
11 SUMMER 2005/FALL 2007 (Granular, Paving and Signage of Contracts ⑦ ⑥ ⑤)
⑩
8
SCALE
0
500m
0.5mi
4 of 5
Red Hill Valley Project Office - Construction Staging
Starting This Period
On-going Construction
Completed
Hamilton


SPRING 2006
FALL 2007
Ontario Ministry of Transportation
RENNIE ST
BRAMPTON ST
NASH RD N
CENTENNIAL PARKWAY N
WOODWARD AVE
BARTON ST E
MELVIN AVE
POTTRUFF RD N
QUEENSTON RD
NASH RD S
PARKDALE AVE N
KING ST E
LAWRENCE RD
T.H.&B.
GREENHILL AVE
MOUNT ALBION RD
MUD ST
MOUNTAIN BROW BLVD
STONE CHURCH RD E
HIGHLAND RD W
DARTNALL RD
8
11 SUMMER 2005/FALL 2007 (Granular, Paving and Signage of Contracts ⑦ ⑥ ⑤)
SCALE
0
500m
0.5mi
5 of 5
Hamilton

Red Hill Valley Project Office - Construction Staging

▨ Starting This Period
On-going Construction
■ Compileted


N
W
E
S
PRIVATE RD
PRIVATE RD
BRAMPTON ST
WOODWARD AV
BARNABY ST
CORBETT ST
QUEBEC ST
WATERLOO ST
PRIVATE RD
RENNIE ST
RENNIE ST
BRAMPTON ST
CNR Lands
NASH RD N
WAVERLY ST
WALMER RD
EMBURY CT
VANSITMART AV
BRUNSWICK ST
OSBORNE ST
TALBOT ST
BILARDI CT
BANCROFT ST
WOODWARD AV
BARTON ST E
MELVIN AV
EASTWOOD ST
KENORA AV
NASH RD N
POTTRUFF RD N
CAVALIER CT
PRIVATE RD
PRIVATE RD
PRIVATE RD
PRIVATE RD
BARTON ST E

Subject Land

City of Hamilton
Wards 4 & 5
Canadian National Railway

CNR Grade Separation

CITY OF
HAMILTON
Public Works Department
General Manager, Peter M. Crockett, P.Eng.

DATE: March 24, 2003

Not to Scale

Red Hill Valley Project

Community Relations Program

March 2003

1.0 Good Community Relations Are a Priority

The City and its partner, the Ministry of Transportation are committed to ensuring that impacted residents, businesses, institutions and schools are included in discussions around design options and kept informed of construction activities and schedules.

1.1 Objectives

Objectives are in two categories: information and consultation.

Information Objectives

We will:

- Be accessible and responsive to the community's needs
- Provide timely information about the project for affected residents, including those whose first language is not English
- Let impacted residents, businesses and institutions know about the project schedule and how construction activities might affect them
- Document questions, comments and ideas from those affected and provide responses

Consultation Objectives

In consulting with the community, we will:

- Develop and maintain relationships with those affected by the construction
- Identify and discuss construction impacts and ways to minimize those effects
- Ensure timely responses
- Engage those impacted by construction and those who can provide design input
- Ensure the Community Relations Program is flexible and adaptable to the needs of those affected by construction

2.0 Organization of the Community Relations Program

Community Facilitator

We will appoint a neutral, third-party community facilitator to work with those affected by construction --- residents, schools, businesses --- and the City to ensure that the program objectives are met.

The facilitator will:

- Work with the project office to implement the Community Relations Program
- Facilitate meetings with those impacted by construction
- Document public input and follow up responses
- Identify issues and assist in the resolution of differences

Expressway Implementation Committee

City Council formed the Expressway Implementation Committee (EIC) to provide guidance to staff concerning implementation of the project. The EIC currently has seven Council members including chair.

The community facilitator will provide a written report monthly to the EIC, and the reports will be posted on the project website.

Communication Tools

The neutral community facilitator will suggest to the City/MTO a variety of tools to ensure good communication. These can include:

- www.hamilton.ca **---** The City's website contains detailed information about the project.

- Customer Contact Centre --- Weekdays from 8 am to 5 pm, the Customer Contact Centre can answer general inquiries, specific construction schedule questions and assist with complaints. Outside those hours, the phone number can be used to report emergency/urgent matters. The contact centre can be reached by phone (905-546-CITY [2489]) or email (info@hamilton.ca).

- Project brochure --- Can show a schematic of construction, key areas of interest and contact information.

- Construction brochure --- Can include information on the construction schedule, impacts, mitigation measures and contact information.

- Newsletters --- Can be issued at key points in construction.

- Other tools --- Advertisements, letters, door-knockers, signs and public notices will be used as appropriate.

Consultation Methods

Principal consultation methods include:

- Meeting with impacted residents, schools, recreation interests, business associations and organized groups such as the Rennie Street Community Liaison Committee (CLC).

- Consideration is also being given to forming area-level construction liaison groups.

3.0 Focus of Discussion

The Community Relations Program will focus on two issues:

- Engaging targeted stakeholders in discussions relating to designing trails, cultural heritage protection, landscape restoration, lighting and noise mitigation. This will begin immediately and continue for approximately eight months.

- Engaging neighbours in discussions relating to construction.

Some of the areas of interest during the detailed design and construction phase will be site-specific, while others will be project wide. Some examples include:

3.1 Design Issues

Pedestrian Access

- *Greenhill interchange-pedestrian/bike access*. Discussions with area school (Elizabeth Bagshaw) on traffic and pedestrian access, school access, construction detours, temporary bussing, traffic calming and urban design.

- *Barton Street Bike-Pedestrian Crossing, Woodward Avenue-Pedestrian Crossing.* Streetscaping around the bridge area is one example of discussions that can be held with schools in the area and interested residents.

- *Pedestrian Crossing at QEW.* The City and the Ministry of Transportation are considering the feasibility of a pedestrian crossing at the QEW.

Noise Mitigation

The City is exploring options to mitigate noise – both during and after construction. Residents in the Queenston Road, Hixon Road, Greenhill Avenue, Woodward Avenue, and Nash Road areas will be contacted about this issue.

Air Quality

Area residents will be kept informed about air quality results.

Trails, cultural heritage protection and landscape restoration

Local neighbourhoods and interest groups will be asked to participate in discussions relating to trails, cultural heritage protection and landscape restoration. The City's draft Landscape Management Plan defines guiding principles and proposals for regenerating the Valley with tree plantings and vegetation. Focused meetings will discuss the Landscape Management Plan.

3.2 Construction Issues

Re-location of Services

- *Relocation of CN Main line track and bridge construction.* The Rennie Street CLC will continue to be involved in discussions directly affecting the landfill.

Vehicle Access

- *Construction along roads that cross the Red Hill Valley.* Appropriate signage and direction from construction staff may be discussed to ensure that traffic moves smoothly.

- *Permanent closure of Mount Albion Road, Pottruff Road and Melvin Avenue.* Industries and residents in these areas, as well as motorists who use those routes, will be informed of the closures.

Consultation Areas

For construction issues, the Community Relations Program may initially be organized geographically to reflect the primary construction areas. These areas are:

- Area 1 (South): Upper Mud Street to Glen Castle Drive intersection
- Area 2 (Middle): Glen Castle Drive to Barton Street
- Area 3 (North): Barton Street (including the Barton Street interchange structure) to QEW
- Area 4 (QEW): Includes the widening of the QEW, reconstruction of the Burlington St. interchange, construction of the QEW/RHCE interchange, and modifications to the water conduits.

Organizing the neighbourhood consultation and information program into four areas may make it easier for citizens to develop closer relationships with staff and the design firms and contractors building the project in their areas. As well, this may make it easier for staff to attend discussion groups and individual meetings to describe construction activities, respond to specific concerns and adapt efforts to better address those concerns.

4.0 Schedule of Activities

As discussions and relationships with neighbours and stakeholders continue to build, the Community Relations Program will remain flexible and adaptable to be able to address changing needs and priorities. It is anticipated that the following activities and tools will be used:

Project Website

The project website will be updated with:

- New editions of the project newsletter
- Contact information
- A feedback form can be added so that residents can submit comments and questions
- A registration form can be added so that residents can receive project mailings and other information

- An interactive map can be added to visually display construction activities, community impacts and mitigation measures
- Monthly facilitator reports
- Related reports produced by the City and/or MTO

Schedule of Activities/Community Relations for 2003 and beyond

See attached table

Schedule of Activities/Community Relations for 2003 and beyond

Issue/topic	Approximate Timing	Stakeholders
[illegible]		
- Landscaping and vegetation plantings - Road closures and detours - Trails relocations and temporary closures	Spring 2003	Residents, businesses and schools in specific areas, as well as other Hamilton residents and visitors
[illegible]		
Vehicle access: construction along Mud Street; detours, permanent closures	Spring 2003	Heritage Green, Red Hill Vista, Trenholme and Albion Falls neighbourhoods
Pre-Blasting survey	Fall 2003/Spring 2004	Heritage Green, Red Hill Vista, and Albion Falls neighbourhoods
Blasting for the escarpment crossing structure: management of impacts	Spring 2005	Heritage Green, Red Hill Vista, and Albion Falls neighbourhoods

Issue/topic	Approximate Timing	Stakeholders
[illegible]		
Construction of overpass at Greenhill Avenue: management of impacts	Spring 2003	Red Hill neighbourhood, Elizabeth Bagshaw School
Reconfiguration of recreational playing fields in Glen Castle and Rosedale Parks	Spring 2003	Red Hill and Rosedale neighbourhoods, users of parks (including league sports organizations)
Noise barriers	Spring 2003	Elizabeth Bagshaw School, residents in the Red Hill, Corman and McQuesten neighborhoods
Construction of overpass at King Street: management of impacts	Fall 2003	Red Hill, Vincent, Corman, Rosedale and Glenview neighborhoods
Linear park design between Armstrong Avenue and the roadway in the McQuesten neighbourhood	Fall 2003	McQuesten neighbourhood
King's Forest Golf Course: realignment of Red Hill Creek will affect five holes	Summer 2005	King's Forest Golf Course management and members
Area 3: Barton Street Interchange to QEW		
Realignment of the Nash Road and Brampton Street corner	Spring 2003	Local industries
Realignment of the rail spur through the Rennie St. landfill Clearing of leachate	Spring 2003 Fall 2004	Rennie Street Community Liaison Committee
Vehicle access: Potruff Road, Melvin Avenue, Barton Street will have closures and detours	Fall 2004	Kentley, Nashdale, McQuesten and Parkview East neighbourhoods
Construction impacts to the schools along Barton Street and Woodward Avenue	Fall 2004	Schools along Barton Street and Woodward Avenue

Issue/topic	Approximate Timing	Stakeholders
[redacted]		
Construction impacts on Hutch's Restaurant	Fall 2003	Hutch's Restaurant

SECTION 6

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

6.1

HAMILTON POLICE SERVICES BOARD

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lois Morin Administrative Assistant
Date:	March 26, 2003	**Prepared by:**	Lois Morin -- 905-546-2727

SUBJECT: **Closed Circuit Television (CCTV) Community Consultation Update (City Wide)**

RECOMMENDATION:

That the Council of the City of Hamilton be requested to support the implementation of a two-year pilot project to deploy CCTVs in the downtown area.

Lois Morin

Lois Morin, Administrative Assistant
Police Services Board

EXECUTIVE SUMMARY:

The Police Services Board met on Monday, March 24, 2003 and respectfully submits the recommendation which, the Police Board approved. As part of the consultation process the Board also requested that its decision be forwarded to City Council, to seek its support to implement a two-year pilot project in the downtown area.

BACKGROUND:

(see attached)

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

(see attached)

POLICIES AFFECTING PROPOSAL:

N/A

CITY STRATEGIC COMMITMENT:

N/A

BPM/lem

Attachments: PSB 02-033b – Closed Circuit Television (CCTV) Community Consultation Update

cc: Chief Kenneth D. Robertson
Superintendent Michael P. Shea

HAMILTON POLICE SERVICES BOARD

- RECOMMENDATION -

DATE: 2003 March 13

REPORT TO: Chairman and Members
City of Hamilton Police Services Board

FROM: Kenneth D. Robertson
Chief of Police

SUBJECT: **Closed Circuit Television (CCTV) Community Consultation Update - PSB #02-033b**

RECOMMENDATION:

a) That the Police Services Board seek the support of Hamilton City Council for the implementation of a two-year pilot project to deploy CCTVs in the downtown area.

b) That subject to Council support, the Board endorses the implementation of a two-year pilot project involving the installation of CCTV cameras in downtown Hamilton.

Kenneth D. Robertson
Chief of Police

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

FINANCIAL –

N/A in regard to the consultation process - will form part of the implementation plan.

STAFFING –

No staffing implications – becomes a function of the new Call Management Branch.

LEGAL –

Legal counsel has reviewed all relevant legislation and recent court decisions.

BACKGROUND:

On Monday 18 March 2002, PSB Report #02-033 was submitted as an "Information" item to advise the Board of a public consultation process to assess community support for a proposal to install CCTV cameras in downtown Hamilton.

The consultation process included public forums, media interviews, telephone inquiries, letters, faxes and e-mails (to the HPS web site) and an independently conducted telephone survey. An evaluation (*objective and subjective*) by the CCTV Steering Committee of all public consultation data resulted in a report to the Chief of Police identifying significant public support for the CCTV proposal. Attached to this report (*Addendum 1*) is a copy of the Steering Committee's letter to the Chief and a brief listing of the data regarding the consultation process (*Addendum* 2). A complete list of all reference material is available to the Board members for review.

The independent citywide survey shows that more than two-thirds of all respondents would feel safer walking in downtown Hamilton knowing that the Police Service was monitoring the area. The majority of respondents (84.3%) believe that CCTVs are an effective tool for deterring and detecting crime, and 82.1% support their use.

The purpose of the CCTV community initiative is to promote public safety by:

1. Providing and maintaining a safe environment in the downtown;
2. Acting as one component of downtown revitalization; and,
3. Improving the ability of the Hamilton Police Service and the community to respond to crime and anti-social behavior occurring in Hamilton's downtown core area.

The principle objectives of the program are as follows:

- Enhancing public safety;
- Preventing/ deterring crime and public disorder;
- Reducing and removing the fear of crime;
- Identifying criminal activity;
- Identifying suspects;
- Gathering evidence;
- Documenting police actions to safeguard citizen and police officer rights;
- Reducing the cost and impact of crime to the community; and
- Improving the allocation and deployment of law enforcement assets.

We believe this will increase the quality of life for residents, property owners, local businesses and visitors in downtown Hamilton.

Video surveillance technology has been in use since the 1950s to assist police in reducing crime on public streets. CCTV programs are now used throughout the world with established systems in Canada, the United States, the United Kingdom and Germany. There are many successes in communities where similar programs are in place. Sudbury's "Eye in the Sky" program is an excellent example – in the three years following installation of their cameras, Robberies and Assaults decreased by 38% and Property Crime decreased by 44%.

A number of community concerns have been addressed by the CCTV Steering Committee. Should the Board endorse this project, clear operational procedures that outline protection of privacy, monitoring (by HPS personnel), retention (72 hours), use of recordings and auditing will be submitted.

KDR/mpa

Attachments: 2

cc: Supt. Michael P. Shea

Police Services Board Report #02-033B Addendum 1

HAMILTON POLICE SERVICE
RECIPIENT OF THE WEBBER SEAVEY AWARD FOR QUALITY IN LAW ENFORCEMENT

Wednesday 12 March 2003

Kenneth D. Robertson
Chief of Police
Hamilton Police Service

Chief Robertson,

Re: Results of Community Consultation Process – CCTV Proposal

In March 2002, a Steering Committee was formed to begin a community consultation process to assess the community's response to a proposal to install five CCTV cameras in the downtown core of Hamilton. The consultation process included 12 public forums, media interviews, telephone inquiries, letters, faxes, e-mail messages and a citywide independent telephone survey.

Of the 223 telephone surveys conducted, in excess of 84% of those surveyed believe that CCTVs are an effective tool for deterring and detecting crime and 82.1% support their use in regard to this proposal. The committee unanimously concludes that there is significant community support for the proposal.

Respectfully submitted,

David Blanchard

Mary Pocius Mary M. Pocius

Gord Thompson

Janet Manners

Max Reimer

Scott Gilbey

Ron Marini Ron Marini.

Michael Shea

CHIEF OF POLICE KENNETH D. ROBERTSON

CCTV Public Consultation Results

Public Forums:

Location	Attendance	Results
1. Public Library – York Blvd.	96 People	Difficult to gauge – for/against appeared to be about even - 50% in favour & 50% against CCTV.
2. First Place – King & Wellington	120 People	Approx. 95% in favour of CCTV.
3. Ancaster High School	14 People	12 in Favour and 2 against (approx. 86%).
4. Saltfleet High School	2 People	Both in favour (100%).
5. Orchard Park High School	3 People	All 3 in favour (100%).
6. Glendale High School	2 People	Both in favour of CCTV (100%).
7. Westdale High School	1 Person	Not in favour.
8. Hillpark High School	2 People	Both against CCTVs (0%).
9. Barton Secondary School	3 People	All in favour (100%).
10. Parkside High School	4 People	All in favour (100%).
11. Delta High School	4 People	All in favour (100%).
12. Sir Allan McNab High School	8 People	6 in favour & 2 against (75%)

E-mails:

In Favour (For)	Responses Against	Results
81	4	95.3% in favour.

Letters/Faxes:

In Favour (For)	Responses Against	Results
9	0	100% in favour.

Voice Mail/Telephone Calls:

In Favour (For)	Responses Against	Results
3	0	100% in favour.

Newspaper Articles - Letters to the Editor:

In Favour (For)	Responses Against	Results
7	3 (+ 1 other)	Approx. 57% in favour.

Police Advisory Committees:

In Favour (For)	Responses Against	Results
2 (unanimous)	1 (Mixed)	Div. #1 & #3 were unanimous, Div. #2 – at least two members had some concerns (66.6%).

Survey:

In Favour (For)	Responses Against	Results
183	28	223 results are in so far – 82.1% of the population support the use of CCTVs and 12.6% do not support their use.

SECTION 7

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

7.1

PUBLIC WORKS DEPARTMENT
Waste Management

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P. Eng. General Manager
Date:	April 4, 2003	**Prepared by:**	Blair Smith Extension 4770

SUBJECT: Awarding Marketing of City's Recyclable Commodities to ReMM (PW03029) - (City Wide Implications)

RECOMMENDATION:

(a) That the marketing consultant of ReMM acquired by the City of Hamilton in July 2002 under Policy #11, Section f, Page 25 of the Purchasing Bylaw, to assist in the marketing of recyclable commodities, be retained for the remainder of 2003;

(b) That the General Manager of Public Works be authorized to enter into an agreement with ReMM for marketing services for 2003 with compensation not to exceed $100,000 plus GST;

(c) That staff report back to Council before the end of 2003 on a course of action with respect to the provision of marketing services for the sale of the City's recycled commodities.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

Early last year, it became evident that Third Sector was experiencing difficulties in working within their operating budget which had been approved by Council. Staff began a series of meetings with Third Sector in an attempt to minimize the financial impact of this expected deficit.

Included in the services that Third Sector provided to the City was marketing of the City's recyclable materials. In June of last year, staff received an unsolicited bid from ReMM, a local marketing consultant who offered to market the City's recyclable materials and who claimed they could substantially increase revenues from the sale of these commodities. The company was subsequently retained and revenues were more than doubled in the second half of 2002, offsetting the revenue shortfall for the first half of the year. Based on the performance in 2002, it is being recommended that the company be retained for 2003.

BACKGROUND:

In June 2002, ReMM, approached staff with an unsolicited bid to provide marketing services to the City for the sale of the City's recycled commodities. Their proposal provided services in which they would reconcile all inbound and outbound material tonnage to ensure complete accountability, solicit best pricing for materials, prepare monthly invoices for the sale of commodities and provide training to City staff with respect to the marketing industry. ReMM suggested their firm could substantially exceed the budgeted revenues of $970,000 for the remaining six months of 2002.

ANALYSIS OF ALTERNATIVES:

A Request for Proposal (RFP) could be prepared for these services but this is not being recommended at this time. This is based on the clear success of ReMM's track record of ensuring maximum return on the City's recycled commodities as well as our initiative to use a leading consultant in the business to train City staff in the marketing of recyclable materials.

The marketing of recyclable material by Ontario municipalities is done in a variety of ways, including:

1. by the MRF contractor,
2. by staff,
3. through material brokers.

1) Marketing by the MRF Contractor

The marketing of recyclable materials was not included in the current contract. The primary reasons for this was that the City had been through several years of unsatisfactory marketing through the MRF contractor. There are also several financial advantages to separating the marketing and processing functions to ensure costs are better understood and the highest quality of material is sent to market. Basing a MRF operations contract solely on operating costs provides the municipality with the true operating costs and a monthly invoice that is not offset by material revenues. Markets for recyclable materials can vary considerably and removing revenues from the contract reduces the possibility of a Contractor reducing operating costs at the expense of operations when markets are lower. Further, separating the marketing function ensures that higher quality recyclable products are maintained. When the functions are combined, MRF processing costs can be reduced by sourcing lower quality markets.

During the preparation of the recent recycling RFP, it was determined that it would be most advantageous for the City to keep the marketing function separate from collection and processing. ReMM had also commenced marketing of commodities and was proving to be very successful, further reinforcing this direction.

In the future the option still remains to contract the marketing component of the recycling program to the MRF operator.

2) Marketing by Staff

The marketing of recyclables by staff is a viable option for the future, especially as the quantity of recyclable material collected increases. However, at the time no internal staff was in place and trained in the marketing of materials. Several Ontario municipalities have developed expertise in this area and market their own materials. This is an issue that will be considered for 2004 and beyond.

3) Marketing Through Brokers

Some municipalities make use of brokers to sell recyclable materials. This is usually done on a material by material basis to supplement and assist marketing done by the MRF operator or staff. The marketing of recycled material by a single broker is the current arrangement the City has with ReMM.

In June 2002, ReMM approached staff with an unsolicited bid to provide marketing services to the City for the sale of the City's recycled commodities. The scope of services in the proposal included the following:

- Negotiate pricing with end markets for each material
- Schedule load shipments with Third Sector using weekly schedule reports
- Arrange transportation as required
- Provide detailed monthly load summaries to the City
- Work with City Accounting Department for tracking end market payments

Their proposal indicated that ReMM could substantially exceed the budgeted revenues of $970,000 for the remaining six months of 2002.

Staff contacted a representative from CSR (Corporations Supporting Recycling) to confirm the company's reputation on its success in the marketing industry. Also, AMRC (Association of Municipal Recycling Co-ordinators) were contacted and they advised that to the best of their knowledge, ReMM was the only consultant in Ontario that provided brokering and consultant services for all municipal blue box recycled commodities. Further, ReMM has international experience in the selling of commodities. The company's experience combined with the incentive based compensation arrangement made with the City as detailed in "Financial Implications" below, ensured maximum return on the sale of the City's recycling commodities.

Due to the circumstances that the City was in and the short timeframe (6 months) left in 2002, ReMM's services were acquired on a trial basis as per the City's Purchasing Policy #11. A single source was recommended due to a time-sensitive situation to attempt to offset the major operating deficit that was expected. In addition staff are recommending that the City enter into a one year agreement with ReMM ending December 31, 2003 with compensation not to exceed $100,000 plus GST.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff negotiated the following compensation arrangement with ReMM for 2002:

- a base rate of $2.00 per tonne for all outbound commodities excluding mixed glass and waste residual,

- revenue exceeding the six month budgeted figure of $970,000 up to $1,250,000, an incentive based model was agreed where ReMM would receive 10% and the City 90%,
- all revenue generated in excess of $1,250,000, ReMM would receive 15% and the City 85%,

The following table illustrates the City's revenues in 2002.

2002 Recycling Revenues	Budget	Actual	Variance
* Jan - June	$971,000	$761,030	($209,970)
**July - Dec	$971,000	$1,965,161	$994,161
Total	1,942,000	$2,726,191	$784,191

*** Third Sector Marketing ** ReMM Marketing**

The arrangements for 2003 are as follows:

- a base rate of $2.00 per tonne for all outbound commodities excluding mixed glass and waste residual;
- 10% of revenue between $3,400,000 and $3,650,000;
- 15% of revenue above $3,650,000;

The above terms apply to a maximum of $100,000. The costs for ReMM's services have been incorporated into the 2003 operating budget.

POLICIES AFFECTING PROPOSAL:

These services were acquired under the City's Purchasing By-law, Policy #11, Section f, which states the following:

"The purpose of this policy is to set out guidelines for acquiring goods and /or services through the negotiation process. Occasionally when conditions dictate, negotiations for goods or services may be conducted. This process may be adopted when any of the following conditions apply:

> *f. when a single source is being recommended because it is more cost effective or beneficial for the City."*

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Discussion and guidance has been provided by the City's Purchasing Department throughout this process.

CITY STRATEGIC COMMITMENT:

Hamilton's Mission, Vision, Values and Goals Statement

Effective Solid Waste programs support the City's vision for "...a safe, healthy, sustainable community..." that "...spends wisely...". A marketing program for recyclable materials offsets the cost of the recycling program, increasing efficiency and improving fiscal responsibility and contributing to community sustainability.

The recycling program, including the marketing of materials, contributes to the fulfilment of several strategic goals including:

- VISION 2020 (addressed below);
- a healthy, safe and green City;
- putting our best face forward;
- maintaining service levels; and
- best practices - best value, balance service provision and programs with long term benefit of landfill life.

Sustainable Development – VISION 2020

The recycling program contributes to fulfilling the goal of managing waste safely and responsibly, and is consistent with several of the specific Strategies for a Sustainable Community for Reducing and Managing Waste, including a comprehensive waste management plan that focuses on the reduction of curbside waste and the diversion of waste for reuse and recycling, and enhancing diversion programs and increasing participation.

Business Planning and Budget

The City Manager's report on Business Planning and Budget was approved by Committee of the Whole on June 18, 2002 and by Council on June 26, 2002.

The recommendations in this report are considered to be in alignment with Council's priority to be fiscally accountable, with the intent to provide balanced recycling collection, processing and marketing services of recyclable materials and best value for tax dollars invested and maximizing of revenues. Maximizing revenues of recyclable commodities offset the cost of the City's recycling program thereby facilitating continuous improvement to service delivery.

CA5 ON HAM
A34
2003

MUNICIPAL DOCUMENT

City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-013

Tuesday, May 6, 2003

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

2.1 April 22, 2003

3. DELEGATION REQUESTS

3.1 Request to address the Hearings Sub-Committee by Mr. Gord Swan respecting Item 12.1 - Beverly Minor Hockey Association 2001/2002 Season

4. CONSENT ITEMS

4.1 Monthly Status Report of Tenders and Requests for Proposals for March 2003 (FCS03053(b) (City Wide)

4.2 Glanbrook Landfill Co-ordinating Committee November, January and February Proceedings (PW03046) (Ward 11)

4.3 Waste Reduction Task Force Minutes (PW03034) (City Wide)

4.4 Intersection Control - East Street North at King Street East (PW03043) (Ward 13)

4.5 Intersection Control - Gage Avenue North and Beechwood Avenue (PW03042) (Ward 3)

4.6 Request to Remove the Eastbound "No Right Turn" Regulation on Delawana Drive at Eastgate Square (PW03038) (Ward 5)

4.7 Amendment to Road Alteration By-law - Guise Street from Bay Street/Leander Drive to Catharine Street (TOE02139(b) (Ward 2)

4.8 Declaration of Surplus Property, Part 25 on Plan 62R-15125 Vacant Lands Adjacent to CN Railway Right of Way (PD03101) (Ward 4)

4.9 Stoney Creek Business Improvement Area (B.I.A.) Revised Board of Management (PD03099) (Ward 9)

4.10 Stoney Creek Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2003 (PD03098) (Affects Ward 9)

4.11 Removal of Holding Symbol for Lands Legally Described as Part of Lot 4, Concession 11 (Former Town of Flamborough) - Owner Sierra Lane (2000) Developments Inc. (PD03095) (Ward 15)

4.12 Council Authorization for Clerk to Certify Persons with Authority to Administer a Grant from the Federation of Canadian Municipalities for the Organics Demonstration Project (PW03035) (Wards 4, 6, 12, 13, 14)

4.13 Shoulder Flash Design for Uniformed Officers in Parking and Enforcement Operations (PD03102) (City Wide)

5. PRESENTATIONS

5.1 Property Standards by-Law and Back Yard By-Law (PD03107) (City Wide)

5.2 The Fees for Services/Activities By-law, Building and Licensing Division (PD02119) (City Wide) (Referred from Committee of the Whole on December 3, 2002)

5.3 2003 Tax Policies and Area Ratings (to be distributed)

DISCUSSION ITEMS

6. CITY MANAGER

None

7. CORPORATE SERVICES

7.1 Ward Names (FCS03081)

7.2 City of Hamilton's Regional Transition Assistance Grant - Status Report & Summary of Amalgamation Savings (FCS03078) (City Wide)

7.3 2003 Unspecified & Unallocated Budget Reductions (FCS03079) (City Wide)

8. ECONOMIC DEVELOPMENT

None

9. EMERGENCY SERVICES

None

10. HUMAN RESOURCES

None

11. PLANNING AND DEVELOPMENT

11.1 Harmonized Taxicab By-Law (PD01120b) (City Wide)

11.2 Allocation of Block Funding for Other Downtowns and Business Improvement Areas (PD03089) (Affects Wards 1, 3, 4, 6, 7, 9, 11, 12, 13 and 15)

12. PUBLIC HEALTH AND COMMUNITY SERVICES

12.1 Beverly Minor Hockey Outstanding Ice Fee Charges (HCS03010) (Ward 14/15)

12.2 Federal Initiative - Supporting Communities Partnerships Initiatives Part 2 (Community Entity) (SPH00062b) (City Wide)

13. PUBLIC WORKS

13.1 Waste Diversion Ontario - Environment Bill of Rights Registry - Notice of the Blue Box Program Plan and Designation of Stewardship Ontario (PW03045) (City Wide)

13.2 Beckett Drive - Temporary Closure (PW03040) (City Wide)

13.3 All Way Stop Request - Dunsmure Road at Graham Avenue North (PW03044) (Ward 4)

13.4 Request to Lower the Speed Limit on Upper Gage Avenue Between Rymal Road East and Anna Capri Drive (PW03039) (Ward 6)

13.5 Tree Removal Request - Lupin Avenue from East 43rd Street to East 45th Street (PW03037) (Ward 6)

13.6 Hamilton Waterfront Trust Tour Boat License Agreement (PW03047) (City Wide)

13.7 2003 Aquatic Vegetation Harvesting Program (PW03048) (City Wide)

13.8 Red Light Camera Program Extension (PW03033) (City Wide)

14. JOINT DEPARTMENTAL REPORTS

14.1 Supply of Furniture - Workstations and Case Goods, for City of Hamilton Employees (PW03032/FCS03085) (City Wide)

15. REPORTS BY SUB-COMMITTEES

None

16. ITEMS DEFERRED AT PREVIOUS MEETING

Note: Committee of the Whole at its meeting of April 22nd deferred Item 16.2 for two weeks to allow staff to provide an additional report which addresses the pros and cons of this project from a municipal perspective)

16.1 Staff Follow-up Report respecting Closed Circuit Television (CCTV) (to be distributed under separate cover)

16.2 Closed Circuit Television (CCTV) Community Consultation Update

17. ITEMS REFERRED BY CITY COUNCIL

17.1 Award of Contract C11-08-03, Supply and Delivery of Recycling Containers Option 2 - Supply and Delivery of 5,000 Wheeled Recycling Carts (PW03020)

18. MOTIONS

18.1 Investigation of State-of-the-Art Energy from Waste Facilities

19. NOTICES OF MOTIONS

19.1 Review of the Requirement for Council Representation on Boards, Authorities and Advisory Committees

20. GENERAL INFORMATION

None

21. PRIVATE AND CONFIDENTIAL

None

22. REVIEW OF OUTSTANDING BUSINESS LIST (TIME PERMITTING)

23. ADJOURNMENT

OUTSTANDING BUSINESS

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
A.	Report on Colliers Recommendations – HECFI Facilities	March 28/01	Community Services		2002 - Q1
B.	Demolition of 226 Avondale Street	April 25/01	N/A		TABLED by Councillor Morelli
C.	Toll for Red Hill Creek Expressway	Nov 21/01	Public Works Corporate Services	Staff to bring a report back on option for tolling Red Hill Creek Expressway	Awaiting Provincial Regulations
D.	Strategy to attract Factory Outlet stores	Feb. 13/02/further updated on August 6/02	Economic Development	Staff to bring implementation plan to Committee	
E.	Pest Control	May 7/02	Planning and Development	Staff to report back on control of pests/rodents prior to demolition permit issued	June/03
F.	Hannon Post Office	May 7/02	Corporate Services	Staff to report back on possibility of address changes that align with telephone exchanges	
G.	Capital Program to modify mountable curb driveway approaches	July 2/02	Public Works	Three sections tabled pending public consultation	
H.	Uncovered crossovers on highways	August 6/02	Risk Management and Legal	Staff to bring report back on uncovered crossovers on highways	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
I.	Floating Casino - West Harbour	August 13/02	Legal Services	Staff to report back on feasibility of securing a casino license for floating casino	Nov./02
J.	Correspondence from Mr. Reginald Beaudry respecting Tree Species List	Council Communication of September 11, 2002	Community Services	Staff to report back to Committee of the Whole as part of the Forestry Management Plan exercise	Q1- 2004
K.	Hamilton Future Fund	Sept. 10/02	Corporate Services	Staff to provide monthly reports to Council and Trustee Panel on the approved projects to assist in monitoring	Ongoing
L.	Services Review - City Maintenance Operations	Sept/10/02	City Manager	City Manager to provide ongoing and final reports to Council on behalf of the Services Review Committee	Ongoing
M.	Hamilton's Wastewater System	Sept. 17/02	Public Works	Staff to investigate possible partnership re: dredging of the Windemere basin, Updates	Q3 - 2003
N.	Subsection g) HMRF/HWRF Pension Administration Sub-Committee Report	Sept. 24/02	COW	Tabled pending delegation from Hamilton Police Association appearing at HSC	
O.	By-law to regulate postering of signs on public property	Sept. 17/02	Public Works and Corporate Services	Staff to prepare by-law to regulate	Q1 - 2004

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
P.	Community Care Access Centre - program pressures arising from enforcement of eligibility criteria	Nov/02	Public Health and Community Services	Staff to report back	
Q.	Joint Local Transfer Plan - CCCOSH	Nov 19/02	Planning and Development	Staff to report back with recommendations on areas of municipal flexibility by April 30th 2003	May 2003
R.	2003 National Child Benefit Report	Dec 03/02	Public Health and Community Services	Staff to submit a Spring 2003 National Child benefit Report	
S.	Fees For Services/Activities By-law	Dec 03/02	Planning and Development	Referred back to staff	
T.	Indoor Soccer Facility	Dec 10/02	Public Health and Community Services	Staff to report back on EOI	
U.	MOU with YMCA	Dec 10/02	Public Health and Community Services	Staff to report back on any formal agreements	
V.	286 Sanford Avenue	Jan. 7/03		Tabled at Committee	
W.	Term Ending Report Card - 6 municipalities and Region	Feb 11/03	City Manager	Report back on implementation of recommendation	
X.	HAHPI	Mar.3/03 Budget	Planning and Development	Staff to report back with detailed Terms of Reference for the Housing Hamilton Innovations fund	Q2-2003

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
Y.	Transit Service	March 3/03 Budget	Public Works	Staff to report back on transit service levels, public consultation of process for transit	Q4-2003
Z.	Budget/Policy Consideration	March 3/03 Budget	Corporate Services	Staff to report back on accumulated debt	Capital Budget Workshop end of May
AA.	Future consulting costs	March 3/03 Budget	CMT	Staff to report back on all future consulting costs	
BB.	Shifting Gears	March 4/03	Public Works	Staff to report back on plan's implementation, outstanding issues, goals	Q3-2003
CC.	Land Application and Biosolids/Nutrient project	March 4/03 COW & April 9 HSC	Public Health/Public Works	Staff to report back on public health involvement; results and recommendations of final Master Plan	
DD.	Keys to Home - Housing Policy	March 4/03	Planning and Development	Staff to report back with draft plan by August 31/2003	
EE.	Retail Booths at City Hall and Municipal Service Centres	March 18/03	City Manager/Corporate Services	Staff to report back on concept	
FF.	Commonwealth Games Stadium review	March 18/03	Community Services	Staff to report back with short list of candidate sites	
GG.	Petitioning the Provincial Government re: assessment system	March 25/03	Corporate Services	Staff to report back re: plan	Report back in 5 weeks May 6/03
HH.	Severe Acute Respiratory Syndrome (SARS)	Apr. 1/03	Public Health	Staff to report to back on a regular basis the city resources expended	Ongoing

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
II.	Policy to permit staff to go onto private property	April 1/03	Public works/Planning / Legal	Staff to formulate policy	Q1-2004
JJ.	Plan for Contingency Fund	April 1/03	Corporate Services	Staff to formulate policy	2004 Budget

SECTION 2

2.1

Committee of the Whole
MINUTES
9:30 a.m.
Tuesday, April 22, 2003
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present:	Mayor R. Wade Deputy Mayor D. Mitchell Councillors D. Braden, M. Caplan, C. Collins, F. D'Amico, L. DiIanni, M. Ferguson, T. Jackson, A. Horwath, B. Kelly, S. Merulla, B. Morelli, R. Powers
Absent with regrets:	A. Bain, M. McCarthy – City Business
Also Present:	B. Robertson, City Manager R. Rossini, Acting General Manager, Finance and Corporate Services P. Crockett, General Manager, Public Works G. Peace, General Manager, Emergency Services N. Everson, Executive Director, Economic Development J. Priel, General Manager, Public Health and Community Services C. Graham, General Manager, Human Resources R. Caterini, Deputy Clerk M. Gallagher, Co-ordinator, Council/Committee of the Whole

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. **Red Hill Valley Project (PW03026) - (City Wide) (Item 5.3)**

(a) That staff recommence construction of the Red Hill Valley Project, including contract tendering and award, in accordance with the Construction Staging Strategy described in Appendix A of Report PW03026 and corporate procurement award policies and procedures.

(b) That staff be authorized and directed to allocate approved budget funds to existing and/or new Red Hill Valley Project ID's as so required to coincide with the staging strategy.

(c) That staff provide the Expressway Implementation Committee with a quarterly report that tracks project construction awards and expenditures.

(d) That a Purchase Order be issued to Canadian National Railway (CNR) in the amount of $2.0 million and charged to account 59265-4060089005 for services and materials provided by CNR in association with the construction of the proposed grade separation bridge over the Red Hill Creek Expressway (map - Appendix B).

(e) That staff proceed with the Community Relations Plan described in Appendix C of Report PW03026.

(f) That staff develop and participate in implementing a community information program that explains the importance of this project to Hamilton's future.

(g) That staff be authorized and directed to address noise attenuation and negotiate property acquisition on a willing buyer/willing seller basis for those properties that warrant noise wall construction and for which no other feasible option for noise attenuation is available.

(h) That the existing Expressway purchase orders be increased for Stantec Consultants (P.O. #1643), Philips Engineering (P.O. #1640) and McCormick Rankin (P.O. #1288) to complete detailed design work by $420,000, $400,000 and $400,000 respectively and that these funds are approved within the 2003 budget allocation.

(i) That the design consultants (Stantec Consultants, Philips Engineering and McCormick Rankin) be invited to prepare and submit proposals for award by the General Manager of Public Works for the provision of Contract Supervisor and Resident Inspector services for their relevant areas of Expressway design.

CARRIED.

2. **Awarding Marking of City's Recyclable Commodities to ReMM (PW03029) (City Wide) (Item 7.1)**

(a) That the marketing consultant of ReMM acquired by the City of Hamilton in July 2002 under Policy #11, Section f, Page 25 of the Purchasing Bylaw, to assist in the marketing of recyclable commodities, be retained for the remainder of 2003;

(b) That the General Manager of Public Works be authorized to enter into an agreement with ReMM for marketing services for 2003 with compensation not to exceed $100,000 plus GST;

(c) That staff report back to Council before the end of 2003 on a course of action with respect to the provision of marketing services for the sale of the City's recycled commodities. **CARRIED**

3. **Appointments to the Development Charge Stakeholders Committee FCS03083 (City Wide)**

(a) That the following citizen appointments to the Development Charge Stakeholders Committee be approved:

- Adi Irani, Hamilton-Halton Homebuilders Association
- Bonnie Prior, Hamilton-Burlington Real Estate Board
- Don Gerrard, Chamber of Commerce
- Don McLean, Community Activist
- Joan Roberts, Environment Hamilton

(b) That the respective members be appointed for a period of time until a new Development Charge By-Law is enacted by Council.

CARRIED

4. **Hamilton Entertainment and Convention Facilities Inc. (HECFI) Operational Review (CM03013)**

(a) That Report CM03013 be adopted as the framework for the operational review of HECFI governance and operations;

(b) That staff be directed to issue a request for Proposal (RFP) to retain external assistance with respect to the development of the review as outlined in Report CM03013;

(c) That a Steering Committee be established to select the consultant to be retained to assist with the review;

(d) That costs associated with this study be charged to the HECFI Capital Projects Reserve Dept. ID100025. **CARRIED**

FOR THE INFORMATION OF COUNCIL:

(a) ADOPTION OF MINUTES

The minutes of April 15, 2003 were adopted as presented.

(b) DELEGATION REQUESTS

The following delegation requests were approved for referral to the Hearings Sub-Committee:

3.1 Request to address the Hearings Sub-Committee by Miriam Neale, Hamilton Conservation Authority respecting presentation on "Conservation Images"

3.2 Request to address the Hearings Sub-Committee by Claire Braden, McMaster Solar Car Project respecting the use of a 3/4 ton pick up for the month of July

3.3 Request to address the Hearings Sub-Committee by Bob Murphy, respecting electricity cost reduction opportunities for the City

3.4 Request to address the Hearings Sub-Committee by Joanne McKinley, Good Shepherd Centres respecting municipal priorities for the distribution of non-profit housing

(c) Commonwealth Games (City Wide) (No copy)

This item was deleted from the Agenda as a special Committee of the Whole has been scheduled to address this item.

(d) Closed Circuit Television (CCTV) Community Consultation Update (City Wide) (Item 6.1)

This item was deferred for two weeks to provide for an additional staff report which addresses the pros and cons of this project from a municipal perspective.

Staff were directed to also meet with Councillor Horwath to address concerns raised at the meeting.

(e) World and Canadian Cycling Report (City Wide) (Item 5.2)

This item was deferred to a special Committee of the Whole on April 23, 2003 prior to City Council.
Staff were further directed to prepare a report which addresses the following:

(i) Indemnification due to any potential lawsuits caused by this event;
(ii) Contingency plan for SARS

As well as the appropriate by-laws for Council's consideration

(f) Red Hill Valley Project

The Motion CARRIED on a Recorded Vote as follows:
Yeas: Mayor Wade, Councillors Caplan, Merulla, Collins, D'Amico, Dilanni, Ferguson, Jackson, Mitchell
Total: 9
Nays: Councillors Braden, Horwath
Total: 2

The City Manager was directed to provide information to Councillor Braden on the hiring of Christine Silverberg for this project.

Staff were further directed to provide to the Implementation Committee a point by point list of permits and approvals.

Respectfully submitted,

Mayor R. Wade

R. Caterini, Deputy Clerk
M. Gallagher, Co-ordinator
April 22, 2003

SECTION 3

Gallagher, Mary

From: Swan, Gord [Gord.Swan@ccra-adrc.gc.ca]
Sent: April 17, 2003 2:09 PM
To: 'mgallagh@hamilton.ca'

3.1

Mary Gallagher, Co-ordinator
Council/Committee of the Whole
City of Hamilton

Dear Mrs. Gallagher:

It is my understanding that the Community Services Department has prepared a report pertaining to the ice fee rates that were charged to the Beverly Minor Hockey Association Inc. for 2001/2002 Season. I believe this is a response to my report to Major Wade and Council in December 2001. In my report I identified the "Mayor's Wade's Compromise Plan" that I have requested and never received. My report addressed the "budgeted rates" that were recommended for the 2001/2002 season and the various amendments to the budget. The only information provided to me to vary the recommended rates was to "cap" user fees for the 2001/2002 at $5.00. It is my understanding that a report addressing these concerns is coming forward to the May 6, 2003 Committee of the Whole meeting.

1. I would therefore like to request the opportunity to appear before the members of the Hearings Sub-Committee to speak to them regarding this issue.

2. Further would it be possible to provide me with a copy of the "Mayor Wade's Compromise Plan" referred to in the June 19, 2001 Revised 2001 Tax Supported Budget: Additional Operating Budget Changes - FCS01042c including the how the "Revised User Fee for Culture & Rec (Max. Inc. $5) $300,000 was determined at Schedule "A".

As I will need to make some arrangements regarding my work schedule, I respectfully request that if it is possible to appear at the May 14, 2003 Hearings Sub-Committee meeting. I understand that the Police Services Board will appear first and I would like to either appear second or be supplied with a specific time or at least be notified about 45 minutes prior to my appearance on that day.

If you require any additional information please let me know by return email or at the numbers listed below.

Respectfully Submitted,

Gord Swan
Beverly Minor Hockey Association Inc.
Home 519 647 9975
Work 905 381 0605

SECTION 4

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

4.1

CORPORATE SERVICES
Financial Services

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager
Date:	April 15, 2003	**Prepared by:**	Rick Male 905-546-4157

SUBJECT: **Monthly Status Report of Tenders and Requests for Proposals for March 2003 - FCS03053(b) - (City Wide)**

RECOMMENDATION:

That the Monthly Status Report of Tenders and Requests for Proposals for March 2003 as set out in Appendix 'A' to Report FCS03053(b) be received for information.

Roberto Rossini for
Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

This report is in accordance with our Policy #6, Council Approval of Contracts, whereby a Council report recommending award of a tender or proposal is not required when the criteria outlined in Items a. through d. of the policy have been met.

BACKGROUND:

Tenders and Proposals reported in this document have been issued in accordance with Purchasing Policies and are being awarded to the lowest acceptable bid.

Staff will continue to report to Council on awards where the conditions have not been met.

Those items with a status of "Under Review" or "Pending Approval" will remain on the report until such time an award is made.

ANALYSIS OF ALTERNATIVES:

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

POLICIES AFFECTING PROPOSAL:

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

This report encompasses all Tenders and Proposals issued by the City and is produced in consultation with the Public Works Department.

CITY STRATEGIC COMMITMENT:

The recommendation contained within this report has city-wide implications.

Tenders and Proposals are issued to encourage the competitive bidding process with objective and equitable treatment of all vendors, in accordance with the Purchasing Policies approved by Council. Further, the City of Hamilton's commitment to procure goods and/or services with due regard to the preservation of the natural environment and to encourage the use of "environmentally friendly" products and services, as supported by the Pollution Prevention Committee.

Appendix A to Report No. F[illegible]03053(b)

CITY OF HAMILTON

Summary of Tenders & Proposals Issued - March, 2003

Reference	***Project Description***	***Closing Date***	***Status Award Information***
C11-35-02	Supply & Delivery of Brake Parts and Service for Cars, Light Duty Trucks and Heavy Duty Vehicles	July 17	Pending Award
C6-04-02	Tender for Provision of a Service Provider for Enforcement of Municipal By-Laws	August 29	Corps of Commissionaires $685,000 for 2003
TOE-02-46 (HW)	Watermain replacement on Highland Road West from Second Road West to Carlson Street and asphalt resurfacing on Highland Road West from Glenhollow Drive to Carlson Street and Second Road West from Highland to North limits. (Ward 9)	September 3	Rankin Construction $599,991.80
C3-85-02	RFP for Records Management System for Emergency Services – Fire	November 28	One Bid Received Pending Award
C4-04-02	RFP for Print Management Services and Related Equipment Services	December 20	Under Review
C11-104-02	Tender for Supply and Delivery of One (1) Hydro-Excavation Machine, 66,000 LB. GVW Truck Chassis	January 17	Under Review
C11-107-02	Tender for Supply and Delivery of One Tandem Axle Cab and Chassis Complete with Dump Box and Crane	January 17	Cancelled Being Re-Issued as C11-53-03
C3-42-02	RFP for Consultant Services for Corporate Real Property Planning Project	January 20	Under Review
C11-08-03	Tender for Supply and Delivery of Recycling Containers -Recycling Boxes, Wheeled Recycling Carts, Recycling Bags	February 6	Carts: Under review
C2-11-02 **A** C2-11-02 **B**	RFP for the Purchase and Development of Two City Owned Properties **A** 87-89 King Street East, Hamilton, ON **B** 171 Main Street East, Hamilton, ON	February 14	C2-11-02 **A** – Cancelled C2-11-02 **B** – Under Review
C2-12-02	RFP for the Hamilton Downtown Residential Loan Program	February 14	Under Review

Reference	Project Description	Closing Date	Status Award Information
C11-14-03	Tender for Supply & Delivery of Traffic Poles, Hardware & Traffic Signal Arms	March 4	Sentinel Pole $130,000
C11-31-03	RFP for Operational Review of Fleet Services Division	March 4	Under Review
PW-03-10 (H)	Trinity Church Road north of Hall Road; Culvert replacement. (Ward 11)	March 4	Rankin Construction $156,541.00
C3-30-03	Tender for Decorative Street Lights & Traffic Poles for Bay Street (Main St. to Cannon St.)	March 5	Skycast Inc. $325,179.00
C11-27-03	Tender for Supply & Delivery of Mixed Concrete	March 6	Under Review
TOE-03-01(H)	Sydenham Road Bridge Rehabilitation over the CNR	March 6	Torbridge Construction Ltd. $2,455,569.75
TOE-03-09(W)	Replacement of approx. 700 curb box and operating rod units using hydro excavation method.	March 6	Under Review
PW-03-09(W)	Replacement of curb box and operating rod units using the hydro excavation method in the City of Hamilton	March 6	Under Review
C11-13-03	Tender for Supply & Delivery of Traffic Paint	March 11	Ibis Products - $240,000
C11-34-03	Tender for Glanbrook Weigh Scale Installation and Miscellaneous Site Works	March 14	Under Review
C3-96-02	RFP for the Privatization of the Chedoke Winter Sports Park Operations	March 17	No Bids Received
C11-28-03	Tender for Supply & Delivery of Aggregates	March 20	Under Review
C11-29-03	Tender CCTV Inspection Contractors	March 20	Under Review
PW-03-11(SW)	Resetting and rehabilitation of existing Manholes, Catch Basins and Valve·Chambers in the City of Hamilton	March 20	Under Review
C11-38-03	RFP for Process Optimization Study for the Waterdown (Main Street) Wastewater Treatment Plant	March 24	Under Review

AFFECTS WARD 11

CITY OF HAMILTON

4.2

PUBLIC WORKS DEPARTMENT
Waste Management Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng., General Manager
Date:	March 19, 2003	**Prepared by:**	Phil Jensen Extension 4436

SUBJECT: Glanbrook Landfill Co-ordinating Committee November, January and February Proceedings (PW03046) - (Ward 11)

RECOMMENDATION:

(a) That the attached meeting notes of the November 25, 2002, January 27, 2003, and February 24, 2003 meetings of the Glanbrook Landfill Co-ordinating Committee be received.

(b) That staff continue to work with the Committee on the co-ordination of issues regarding landfill operations.

Peter M. Crockett, P.Eng.,
General Manager
Public Works Department

EXECUTIVE SUMMARY:

Minutes for the November 25, 2002, January 27, 2003, and February 24, 2003, meetings of the Glanbrook Landfill Co-ordinating Committee (GLCC), attached, are provided for the information of City Council. On November 25, the GLCC moved a request for an opportunity to present their concerns regarding the closure of SWARU to the Solid Waste Management Steering Committee.

Other issues discussed at the meeting and reflected in the attached notes include leachate collector construction, correspondence from the Health Department to landfill neighbours, a recent tour of the landfill by GLCC members, and retention pond sampling. The GLCC also discussed the advantages of being recognized within site Certificate of Approval, which would be achieved by requesting an amendment to the document. Support from City Council would be required for this amendment to proceed to the Ministry. This could be reviewed as part of a Certificate of Approval review, which is necessary for an ongoing viable operation.

On January 27, the GLCC under agenda item #10 moved that the Chair of the GLCC be appointed to the Solid Waste Management Master Plan (SWMMP) Waste Reduction Task Force, and that the Chair of the SWMMP Task Force be appointed to the GLCC. The GLCC also moved, under agenda item #11, a broad recommendation with seven specific points concerning goals and implementation of the SWMMP.

Other issues discussed at the meeting and reflected in the attached notes include the leachate collector system construction, alternative daily cover, the Hall Road pumping station, landfill scale project, air monitoring, the proposed C of A amendment recognizing the GLCC, landfill development and international waste.

With respect to the motion under agenda item #10, the SWMMP task force did invite representatives from the GLCC to attend their meetings. The GLCC has since accepted as a voting member a representative from the SWMMP Task Force, and the SWMMP Task Force is currently considering the motion. The increased interaction between the committees will also permit the GLCC to further express those concerns noted in the motion under item #11.

At the conclusion of the February 24 meeting, Chairman Hugh Brown submitted his resignation. The Committee moved that Allan Freeman replace Mr. Brown, and will look into the process of finding a new member to fill in the vacancy. The Committee also welcomed members of the City's Public Health Department, lead by Dr. Taha, for a discussion on possible follow up with residents regarding health concerns associated with the Landfill. On a separate matter the GLCC approved a motion to the Waste Reduction Task Force, requesting reconsideration of their position on the voting status of the GLCC representative to the Task Force.

Other issues discussed included alternative daily cover, air monitoring, leachate collector construction, leachate haulage in 2002, the landfill scale, a memo re impacts to the landfill from closure of SWARU, the wind mitigation policy, concrete debris, the proposed C of A amendment recognizing the GLCC, bird control, surface water ponds, EFW technology and workshops for members.

BACKGROUND:

The GLCC is an officially sanctioned City of Hamilton Citizen Committee consisting of four members as appointed by the City's Selection Committee and a fifth member as appointed by the SWMMP Task Force. The GLCC provides support to staff and the City's contracted landfill operator on operational matters and community input at the Glanbrook Landfill. Meetings are also attended regularly by Ward 11 Councillor David Mitchell.

The GLCC currently meets monthly to discuss landfill related issues and to monitor the City's progress with respect to major projects at the site, which includes the City's leaf and yard waste composting operation as well as the landfill. Over the past two years the GLCC has assisted the City with public liaison on several major projects, most notably the implementation of alternative daily cover and the pending leachate collector construction.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Niagara Peninsula Conservation Authority (NPCA) is represented on the Committee and the Ministry of the Environment attends regularly. As of January 2003 the SWMMP Task Force is represented through a voting member. The Committee also received representation for the City's Public Health and Community Services Department.

CITY STRATEGIC COMMITMENT:

Commitment 4d states "Council will pursue new and innovative opportunities to enable more people to share their views and contributions to the City, Council and its services". The opportunities for public input afforded by the activities of the Glanbrook Landfill Committee are consistent with and support this strategic commitment.

City of Hamilton
Transportation, Operations & Environment Department
WASTE MANAGEMENT DIVISION
M◆I◆N◆U◆T◆E◆S

GLANBROOK LANDFILL CO-ORDINATING COMMITTEE
Monday, November 25, 2002
Glanbrook Municipal Centre
4:30 p.m.

ATTENDEES:

Hugh Brown, Chair
Allan Freeman, Member
Lynda Burton, City of Hamilton
Sheila May, City Advisor
Ron Wright, Canadian Waste
Ron McMann, Member
Phil Jensen, City of Hamilton
Ron Hall, MOE
Councillor Dave Mitchell
Annie Michaud, NPCA

GUESTS: Nick Bishop, City of Hamilton

REGRETS:

Scott Stewart, City of Hamilton
Dave Kerr, City of Hamilton
Tom Brown, Canadian Waste
John Mater, City of Hamilton
Andy Fevez, Member

Agenda Item **Action**

1. **Minutes of Last Meeting**

The minutes of the last meeting were accepted as written.

2. **SWARU: Status and Impact of Closure**

Sheila reviewed several conditions within the new Certificate of Approval (C of A) for SWARU. Condition 56 still allows for flyash to be tested and stored onsite. Sheila asked that copies of the Quarterly Report for Fly Ash Treatment Process and Annual Report for the Site be made available to the Committee (as required of the City in conditions 60 and 61). Access to the information from the public liaison committee to be set up in accordance to condition 64 should be made available to the Glanbrook Landfill Co-ordinating Committee (GLC).

In response to concerns about impact of closure on the landfill. Phil assured the Committee that diversion alternatives limiting the impact on the landfill will be on the table this winter.

A copy of the agenda and outline of the presentation given by Beth Goodger at the Organics Diversion Symposium was distributed for the information of the Committee members.

Agenda Item	**Action**
With regards to the motion passed at the last meeting concerning the search for another incinerator, Councillor Mitchell suggested the GLC present their concerns to the Solid Waste Master Plan Steering Committee's next meeting.	
Motion: That the Glanbrook Landfill Co-ordinating Committee request an opportunity to present their concerns regarding the closure of SWARU to the Solid Waste Management Steering Committee.	
Lynda to put a request to Councillor Horwath for the Committee to appear before the SWMMP Steering Committee at their next meeting.	
The Stay hearing on December 13, 2002 will determine how to proceed with the Committee's concerns regarding the incinerator.	
3. Health Department Response Letter	
Hugh explained that the local residents were upset with the response letter to their cancer concerns. They feel their concerns were not addressed in the letter and the perception is that nothing is being done. The Committee therefore passed a recommendation to invite the Health Department back to address further concerns. Moved by Hugh seconded by Ron McMann.	
4. Landfill Tour	
Councillor Mitchell said public perception is negative concerning the ash piles on top of the landfill, at the highest point. Ron Wright explained that the ash can only be kept on approved portions of the site and cannot conflict with construction. The piles are currently being double wrapped to avoid the effects of the wind. The plan is to relocate the ash piles to an area tight against Phase 1 area. The City and Canadian Waste will continue to talk and revisit the issue of location of ash piles once construction is complete.	
5. Pond Sampling	
Hugh requested the reports be translated to the old format before forwarding to Committee members. It was also requested that a line graph depicting sampling results for the last two years be provided for the Committee's information. The graph would likely show trends. The ponds will be dredged when construction is complete. Until that time there are a few breakouts due to construction. Installation of the finger drains should eliminate perch conditions.	
6. Update: Leachate Collector Construction	
Construction will be completed by the end of April if everything goes as scheduled. Currently, finger drains are being installed starting with the south perimeter and pumping station. CWSI is working closely with the Contractor, Bre-Ex.	
7. Landfill Committee Recognized on the C of A	
The Committee discussed the advantages to being recognized on the landfill C of A, mainly wanted to ensure the committee continues. Ron Hall suggested keeping the City look at examples where the inclusion of the Committee is worded quite simply. Council would need to support an amendment to the C of A. Ron Hall to provide samples of existing wordings to the City. Phil to initiate this and report back to the Committee.	**Ron Hall** **Phil**

	Agenda Item	**Action**
8.	**New Business**	
	The Niagara Peninsula Conservation Authority's report on Buckhorn Creek will be available in the Spring of 2003.	
	Ron reported that there are no seagulls at the landfill at this time due to the season change. Councillor Mitchell recommended Canadian Waste seek to renew their scare/kill permit from the Canadian Wildlife Service in preparation for the gulls return next year.	Tom

The meeting was adjourned at 6:30pm.

	Next Meeting:	**Monday, January 27, 2003** **4:30pm Glanbrook Municipal Center**

Please review and forward any errors or omissions to Lynda Burton at (905) 540-5490 or lburton@hamilton.ca

All members are also requested to forward any items for the next agenda to Phil Jensen at (905) 546-4436 or pjensen@hamilton.ca by January 17, 2002

City of Hamilton
Transportation, Operations & Environment Department
WASTE MANAGEMENT DIVISION
M◆I◆N◆U◆T◆E◆S

GLANBROOK LANDFILL CO-ORDINATING COMMITTEE
Monday, January 27, 2003
Glanbrook Municipal Centre
4:30 p.m.

ATTENDEES:

Hugh Brown, Chair
Allan Freeman, Member
Sheila Guest, City of Hamilton
Sheila May, City Advisor
Ron Wright, Canadian Waste
Tom, Brown, Canadian Waste

Ron McMann, Member
Phil Jensen, City of Hamilton
Ron Hall, MOE
Councillor Dave Mitchell
Lance Larkin, MOE
Andy Fevez, Member

GUESTS:

Craig Murdoch, City of Hamilton
Ed DeVries, City of Hamilton

REGRETS:

Scott Stewart, City of Hamilton
Dave Kerr, City of Hamilton
John Mater, City of Hamilton
Annie Michaud, NPCA

Agenda Item **Action**

1. **Minutes of Last Meeting**

The minutes of the last meeting were accepted as written. Hugh questioned following up with the CLC wording. Phil advised it was in the package given to members at the beginning of the meeting.

2. **Leachate Trucked in 2002**

Phil advised he would forward information via email or at the next meeting.

3. **Construction and Bre-X Operations**

Phil reported that everything was going well at the site. There have been a couple of situations where equipment has been down. Now working on the well for the pumping station. Questions were raised about odour over the past couple of months. Sheila had a complaint there was a sour smell to the east of the landfill. Sheila asked about the tank farm. Phil reported that Gardner Lee is on line to review the older system including possible uses for, and upgrades to, the tank farm. The construction project should be completed by May with top dressing and vegetation applied during that month. The project is still on target.

Agenda Item **Action**

4. Wood Chips

Phil pointed out the piles of wood chips in the pictures circulated by Sheila before the start of the meeting. We are still trying to perfect our use of chips. We will ask the MOE whether we can still use plastic once in awhile. During the trial, the use of two materials (i.e. plastic and wood chips) at the same time is forbidden by the C of A. Ron McMann asked exactly what kind of wood chips was being used. Phil responded ground up stumps, etc., from our Forestry/Parks section, with additional supplies from Mega City Recycling, which chips wood. Hugh questioned the use of wood and construction material from the transfer stations. Phil advised there has been some discussion about recovering wood from the transfer stations. Hugh asked Phil to keep the committee apprised.

Phil

Hugh stated there must be a way to track licence numbers of trucks going to the transfer stations and landfill with construction material. Sheila asked what the dollar value was for trucks coming in with wood chips. Andy asked how long tests were going to run. Tests will be conducted for three months according to the MOE, or longer if we want more time. We can stop the trial at any time.

Phil

5. Hall Road Pumping Station

Phil reported that the pump continues to perform, but that the City is extending the data and communication line to the upstream pumping stations at the site in order that there will be communication between all three. This is because, while the Hall Road Station is linked to the Treatment Plant, the other two are not and a shut down at Hall Road is not communicated upstream. Sheila asked if the Hall Road Station was adequate for the amount of leachate going in. Phil indicated that it was his understanding that the station was built to meet the capacity of the entire site when fully filled.

6. Landfill Scale

The scale is in the 2003 budget. The tendered cost exceeded the budget last year so the budget item was resubmitted and is going for budget approval with hopefully a spring contract. Estimated cost of $400,000 includes computer, roadwork and lighting, etc. This is to accommodate Canadian Waste trucks to help with the backlog at the transfer stations.

7. RFQ Upwind/Downwind Air Monitoring

Phil reported he is working on an RFQ for the program for 2003. There will be different stages that will occur over the course of the year and possibly longer. Dust, VOC, methane & non-methane would be measured and compared to MOE standards. Hugh requested that the folks from Health be at the next meeting to further discuss this issue.

Phil

8. Certificate of Approval

Hugh stated that this committee is not entrenched in the C of A. Phil provided for committee members two examples of possible C of A wording, one from an existing C of A and another as forwarded by Ministry staff. Sheila May will co-ordinate refinements to wording with committee members for further discussion at the next meeting, and eventual submission to the Ministry. Discussion took place regarding the Glanbrook Landfill Co-ordinating Committee, its inception and evolution.

Agenda Item **Action**

9. Landfill Development

Sheila passed around copies of a map showing all 15 cells at the landfill from August 15, 1978. Sheila also read the evidence from the Hearings of the Environmental Assessment Board, 1979. Cells 13, 14, and 15 were not approved for development in the hearings. These cells fall under the jurisdiction of the NPCA and also the Ministry of Natural Resources. Hugh asked exactly how much was used in the landfill. Phil referred to the plan:

- The plan is based on air space
- Stage I is covered (Cells 1 through 4)
- Cells 5 through 8 are the current operating area – it is estimated that 30% left in these cells but work will be done to confirm this in 2003.
- Cells 9 through 12 are the final approved areas. This is the area that is readily identified at the site as the area from which soil has been borrowed for use in the current operating area.
- The 1998 Fenco McClaren report suggested that this last approved section needs to be redesigned. This item has been moved up and into the capital budget for 2003. The City will set up an RFP for comprehensive redesign and will work with the MOE to follow the process required to obtain the required C of A amendment.
- Included in the study will be a review of the air space available in Stage 1, resulting from subsidence, to see if we can open the cells and raise the add fill to meet the design contours.
- The City has operated all along with the understanding that Stage 4 is not approved, and that if this area is to be considered the City would have to engage in an approvals process with all appropriate authorities.

Acreage is as follows:

Cell 1 = 15, Cell 2 = 21, Cell 3 = 8.9, Cell 4 = 13, Cell 5 = 13, Cell 6 = 12, Cell 7 = 13, Cell 8 = 15, Cell 9 = 11, Cell 10 = 10, Cell 11 = 15, Cell 12 = 13.

10. Interaction with SWMMP Waste Reduction Task force

This item was dealt with out of order, as Councillor Mitchell had to leave.

MOVED/SECONDED Freeman/McMann

Whereas the Glanbrook Landfill is a major facility in the City of Hamilton's Waste Master Plan;

Whereas the Glanbrook Landfill Co-ordinating Committee represents the interests of the residents of the former township of Glanbrook and is therefore a major stakeholder in the Master Plan;

Therefore the Glanbrook Landfill Co-ordinating Committee respectively recommends to the Council of the City of Hamilton that the chair Hugh Brown of the Glanbrook Landfill Co-ordinating Committee be appointed to the SWWMP Waste Reduction Task Force.

Agenda Item **Action**

And further, that the Chair of the SWMMP Waste Reduction Task Force, David Hart Dyke be appointed to the Glanbrook Landfill Co-ordinating Committee.

CARRIED.

11. EFW Technology

MOVED/SECONDED Freeman/McMann

Whereas the City of Hamilton has embarked on a major recycling/diversion program;

Whereas this program must meet an aggressive target of 65% diversion of recycling/residential municipal waste from the Glanbrook landfill by 2008, to meet the financial commitments to Council;

Whereas SWARU was an integral part of the 65% reduction in the solid waste management plan, and is now closed

Whereas the Glanbrook Landfill Co-ordinating Committee is having difficulty finding similar programs which have met such aggressive targets within such a restricted time frame;

Whereas no schedule of program implementation or interim targets have been provided;

Whereas most major diversion/recycling programs have relied heavily on composting to reach their present level;

Whereas such programs in other jurisdictions have required major investment by municipalities;

Whereas the present federal government of Canada has ratified the Kyoto Agreement on greenhouse gas emissions;

Whereas this committee (Glanbrook Landfill Co-ordinating Committee)) and the people of the former Township of Glanbrook will not support expansion or relocation of the present landfill in Glanbrook;

Therefore, the Glanbrook Landfill Co-ordinating Committee respectfully recommends to the Council of the City of Hamilton:

a) A full review of the goals of the SWMMP program be carried out with a view to achievability and affordability.

b) That a schedule of implementation with interim goals be provided to council within 30 days.

c) That a schedule of implementation with interim goals be provided to council within 30 days.

d) That due attention be paid to the implementation of the Kyoto agreement by the federal government and the production of greenhouse gases such as methane produced by landfills and composting, with special consideration being paid to reduction and/or control of such gases.

e) That the City of Hamilton actively pursue markets and grants, in conjunction with other levels of government and the private sector, to help make this program more self sustaining.

Agenda Item **Action**

f) That the City of Hamilton actively investigate other methods of waste reduction producing saleable products and meeting future standards such as EFW (Energy from Waste).

g) That the City of Hamilton provide sufficient capital and operating funding to maintain present operations and future capital needs.

CARRIED.

12. Task Force Minutes:

Back copies of SWMMP Waste Reduction Task Force minutes were provided in the package Phil distributed before the meeting.

13. International Waste

Phil advised the Committee that the City had been approached by the airport to accept "galley" waste from international flights, much of which would be food. This is governed by the Canadian Food Inspection Agency (CFIA). Phil reported that the City is not really encouraging the Airport on the issue of sending the international waste to the Glanbrook landfill, but GLC members should be aware as it is possible that the Airport may apply pressure to this end.

Sheila brought up the issue of food waste pelletizing and she and Hugh read letters they sent to the MOE regarding the application of American Water Services to produce fertilizer pellets from food waste and sewage waste. Sheila advised that the MOE would only be interested in a C of A for this particular process. Food waste would come from all over Ontario.

14. New Contract with CWS

Contracts with CWS have been extended until end of 2009. Biggest impact on Kenora re municipal waste volumes. Use of SWARU tipping area and other alternatives being considered.

The meeting was adjourned at 6:45pm.

Next Meeting: Monday, February 24, 2003 @ 4:30pm Glanbrook Municipal Centre

Please review and forward any errors or omissions to
Sheila Guest at
(905) 540-5490 or sguest@hamilton.ca

All members are also requested to forward any items for the next agenda to
Phil Jensen by February 14, 2003
at (905) (905) 546-4436 or pjensen@hamilton.ca

City of Hamilton
Public Works Department
WASTE MANAGEMENT DIVISION
M◆I◆N◆U◆T◆E◆S

GLANBROOK LANDFILL CO-ORDINATING COMMITTEE
Monday, February 24, 2003
Glanbrook Municipal Centre
4:30 p.m.

ATTENDEES:

Hugh Brown, Chair
Allan Freeman, Member
Sheila Guest, City of Hamilton
Sheila May, City Advisor
Ron Wright, Canadian Waste
Tom, Brown, Canadian Waste
Annie Michaud, NPCA
Ron McMann, Member
Phil Jensen, City of Hamilton
Ron Hall, MOE
Councillor Dave Mitchell
Lance Larkin, MOE
Andy Fevez, Member
Mike Caruso, SWMMP WRTF

GUESTS:

Dr. Monir Taha, Associate Medical Officer of Health, SPHS, City of Hamilton
Dr. Gaynor Watson, Public Health, SPHS
Kate Feightner, Manager Policy & Program Development SPHS, City of Hamilton
Lewinda Knowles, SPHS

REGRETS:

Scott Stewart, City of Hamilton
Dave Kerr, City of Hamilton
John Mater, City of Hamilton
Craig Murdoch, City of Hamilton

Hugh introduced Mike Caruso who has joined the GLC as a representative from the SWMMP Waste Reduction Task Force.

Agenda Item **Action**

1. **Minutes of Last Meeting**

Moved by Allan Freeman, Seconded by Ron McMann, that the minutes of the last meeting were accepted as written. CARRIED

2. **Discussion with Representatives of the Health Department**

Dr. Taha introduced his team and read from the November 25th GLC minutes inviting the health Department to come to the meeting and discuss their work to date. Hugh Brown outlined the concerns of the public relating to health issues and the letter sent out the residents. A discussion took place. On the subject of cancers, Dr. Taha pointed out that in the water and air testing that was conducted there were no substances determined to be of concern relating to the kinds of cancers experienced.

Agenda Item	**Action**
Dr. Taha suggested a questionnaire be send to each resident to query them on the letter – where they need more information – how would they feel about the health department going to the family doctors for information in order to compile statistical data. Some concern was expressed that information gathering should be done in such a way so as not to alarm residents. The committee supports the public health department's plan to send a questionnaire to residents as a method of following up on the original contact.	
3. **ADC Trial**	
Phil reported that the wood chip trial ends mid-March. Plastic film trial is over and at this point it seems to be a viable cover. Phil asked the committee if it would be comfortable with a proposal to the that would allow for the committee to investigate other alternatives without necessarily having to seek an amendment to the C of A. Members were interested and Phil will follow up with possible wording.	
4. **Upwind/Downwind Study**	
Phil advised that RFQs would be going out mid-March.	
5. **Leachate Collector Construction**	
Phil reported the construction is moving along, although about a week behind due to equipment problems. Everything should be completed by mid-May. There are some odour issues emerging. Phil reported odour abatement equipment is deployed, and this practice will continue. It was generally agreed that a letter should be sent out to residents around the site to thank them for their patience and give them an update on what has been happening and advise them what they can expect when the weather warms up. Phil will set up and run by Sheila.	Phil
6. **Leachate Haulage 2002**	
Phil presented some statistics to the group. 48,141.16 metric tonnes (48,141,160 litres) removed by tanker which converts to 10,589,784 imperial gallons. 89,672,590 litres pumped at the Hall Road pumping station which, when added to the previous total, totals 119,725,602 litres, 30,315,386 imperial gallons in 2002.	
7. **Revisit Resolution re SWMMP Task Force**	
Hugh reviewed the resolution and reported the changes made by the Task Force to accept a non-voting member. Discussion took place regarding. There is a feeling that if there is a non-voting status for the GLC member to the Task Force that there is no real representation. Dave Mitchell pointed out that Mike Caruso could be accepted to the GLC as a full member with voting privileges and since he has full privileges on the Task Force, he would be able to voice GLC concerns. Dave encouraged Mike to continue to attend. Discussion took place around EFW issue.	
MOVED/SECONDED Freeman/McMann	
Whereas the Waste Reduction Task Force has not accepted the Glanbrook Landfill Committee's resolution of January 27, 2003 regarding the mutual exchange of members, Therefore, the Glanbrook Landfill Committee respectfully requests the Waste Reduction Task Force to reconsider voting status for the Glanbrook Landfill member. Carried.	

	Agenda Item	Action
8.	**Landfill Scale** There was some confusion that the landfill scale project has been cancelled. Phil noted that he understood this to still be in the existing capital budget and will report back on the status of this item.	Phil
9.	**Memo from Sheila May** Sheila reviewed memo to be attached to minutes. Phil to report back to Sheila with actual truck numbers pertaining to point #7 in the memo. **MOVED/SECONDED McMann/Fevez** That the memo be received. Carried.	Phil
10.	**Wind Mitigation Policy** Sheila provided a copy of the policy established in 1991. This policy should be reviewed for current relevance.	Group
11.	**Meeting Frequency** After discussion it was agreed to leave the meetings at once per month.	
12.	**Concrete Debris** Hugh briefed the committee on the current handling of construction material. Discussion took place regarding the checks in place. It was suggested that possibly wood could be removed and chipped for ADC. Some further discussion about wallboard also, but unsure of end use. Hugh asked that this be placed on the agenda as a regular update.	Phil
	New Business	
13.	**Terms of Reference for Glanbrook Landfill Committee** To be placed on the next agenda with comments from Staff and the MOE (attached)	
14.	**Bird Control** Sheila distributed copies of the agreement between the Region (City) and the Township pertaining to the Landfill Site, noting item #10, especially regarding "birds." Ron noted that CWS did renew the permit with the Canadian Wildlife Service.	
15.	**Ponds** The GLC would like to receive information in chart form. Phil noted more news would be forthcoming regarding ponds and will review presentation and information.	Phil

	Agenda Item	Action
16.	**EFW Technology Presentation**	
	MOVED/SECONDED Freeman/Fevez	
	Whereas the Glanbrook Landfill Committee has always tried to be knowledgeable in all areas of waste reduction, to better serve the needs of the citizens of Glanbrook,	
	Whereas the present waste reduction program of the City of Hamilton will only maintain the status quo, with the loss of SWARU, and will probably not advance the reduced use of landfill beyond 2002 levels	
	Therefore, we respectfully request that Mr. Luciano A. Gonzalez, Ph.D., P.Eng., of the firm Kinectrics, makes a presentation of the company's state-of-the-art waste reduction technology.	
	Carried.	
	City staff to make arrangements for the next meeting.	Phil
17.	**Workshops**	
	The committee expressed interest in participating in an advertised Canadian Waste landfill tour. Five members are interested in the tour. Tom Write mentioned an opportunity for a special tour, but the group is interested in the March 18th event.	
18.	**Hugh Brown, Resignation**	
	Hugh advised the Committee that he has accepted a position with the Province of Ontario in Brampton as a Justice of the Peace and will be resigning from the GLC effective February 24, 2003.	
	MOVED/SECONDED McMann/Fevez	
	Whereas Mr. Hugh J. Brown has had to resign as a member of the Glanbrook Landfill Committee due to career requirements,	
	Therefore, we respectfully elect Mr. Allan Freeman as Chair of the Committee.	
	Carried.	
	The Committee will scout out a fourth member.	

The meeting was adjourned at 7:30 p.m.

Next Meeting: Monday, March 31, 2003 @ 4:30pm Glanbrook Municipal Centre

Please review and forward any errors or omissions to
Sheila Guest at
(905) 540-5491 or sguest@hamilton.ca

All members are also requested to forward any items for the next agenda to
Phil Jensen by February 14, 2003
at (905) (905) 546-4436 or pjensen@hamilton.ca

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

4.3

PUBLIC WORKS DEPARTMENT
Waste Management Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter Crockett, P.Eng. General Manager
Date:	April 22, 2003	**Prepared by:**	R. Morello Extension 5522

SUBJECT: Waste Reduction Task Force Minutes (PW03034) - (City Wide)

RECOMMENDATION:

(a) That the attached meeting notes of the March 19, 2003 meeting of the Waste Reduction Task force be received, and

(b) That Staff continue to work with the Task Force to co-ordinate the implementation of the City's Solid Waste Management Master Plan (SWMMP).

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The Solid Waste Management Steering Committee recommends that the minutes of the Waste Reduction Task Force meetings be forwarded to City Council as part of City Council's Consent Agenda for Council's information. The Waste Reduction Task Force meeting minutes are currently provided to the Solid Waste Management Steering Committee, City Clerk's Division, and Glanbrook Landfill Co-ordinating Committee. The minutes are posted on the City's website for public information.

The minutes for the March 19, 2003 meeting of the Waste Reduction Task Force are attached for the information of City Council. The Waste Reduction Task Force reviewed and provided feedback on the SWARU Decommissioning Study. The Task Force comments were presented to the SWMMP Steering Committee at their meeting held on April 10, 2003. The Task Force recommended that the SWARU property be considered for the site selection process for the City's new Materials Recycling Facility and Centralized Composting Facility. The Task Force recommended that the City should review if additional property adjacent to the SWARU facility could be acquired and incorporated into the SWARU property in order to develop a dual waste management facility including both a Materials Recycling Facility and Composting Facility.

The Task Force received a draft of the City's annual waste management report card for review. Other items discussed at the meeting include issues related to implementing a user pay waste collection system in the City of Hamilton, the implementation schedule for the Solid Waste Management Master Plan, and the status of the City's waste management programs.

BACKGROUND:

As part of Recommendation #17 in the Solid Waste Management Master Plan (SWMMP), City Council approved the creation of the Waste Reduction Task Force (formerly SWMMP Implementation Task Force) in order to provide public input for the implementation of the various components of the City's new integrated waste management system. City Council approved the citizen appointment to the Waste Reduction Task Force in September 2002 (TOE02160).

The mandate of the Waste Reduction Task Force is to advise and assist the City of Hamilton with the implementation and monitoring of the Solid Waste Management Master Plan. In the past eight months, the Task Force has assisted the City with public input on several initiatives including the voluntary three container limit for waste, site selection criteria for the City's new Materials Recycling Facility and centralized composting facility, annual waste management report card, and community outreach materials for the City's recycling program changes.

The Waste Reduction Task Force meets monthly to discuss issues related to the City's waste management system and Solid Waste Management Master Plan. The Task Force has been meeting since June 2002. Meetings are open to all members of the community. Meeting notices are advertised in the City of Hamilton's "City Connections" newsletter.

ANALYSIS OF ALTERNATIVES:

City Council currently receives the Glanbrook Landfill Co-ordinating Committee (GLCC) meeting minutes as part of Council's Consent Agenda. The GLCC and the Waste Reduction Task Force are officially sanctioned City of Hamilton Citizen Committees which provide support and community input to Staff on matters related to the City's waste management system. The Waste Reduction Task Force and Glanbrook Landfill Co-ordinating Committee have reciprocal membership and have the common goal that the Glanbrook landfill is a valuable City resource and the City must optimize its disposal capacity by the minimizing the amount of residual waste disposed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Waste Management Division provides staff support for the Waste Reduction Task Force. The Task Force reports to the Solid Waste Management Steering Committee. City representatives including staff and Councillors are non-voting members of the Task Force.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Task Force acts as a liaison with community organizations. Members of the Task Force are representatives of the business community, academic institutions, environmental sector, and the City's six waste collection zones.

Through their community networks, Task Force members gather information and provide feedback to Staff and Council on the performance and public acceptance of the waste management system.

CITY STRATEGIC COMMITMENT:

Hamilton's Mission, Vision, Values and Goals Statement

The Task Force meets several of the goals for the City, including:

- To harness the energy of the citizens of the City of Hamilton and to fulfil the City's obligation to be open and accessible, Council commits to communicate clearly and effectively with the public; provide full information about services, their costs and how well they meet clear performance targets.
- Assist staff and Council to pursue best practices to ensure best value in waste management service delivery which includes economics, accountability, service quality, accessibility and other community priorities that must be taken into account as per Council policy.
- To work with academia, the community and private sector to study issues related to our natural environment, provide valuable advice and put forward action plans.

Sustainable Development - VISION 2020

The contribution and community spirit of volunteers is recognized, and considered valuable to assist the City with its vision and goals of promoting a healthy and prosperous community to live and work. The Task Force will assist the City with fulfilling the goal of managing waste safely and responsibly.

File No. 19.9.17

City of Hamilton

MINUTES: Waste Reduction Task Force
Wednesday, March 19, 2003, 7:00 p.m.
Hamilton City Hall, Room 110

Present:
Roman Caruk
Dorienne Cushman
Ron Joice
Tony Waite
Michael Caruso
Mary Lou Dickson
Lynda Lukasik
Rena Marie Cornelius
David Hart Dyke
Ollie Thomson

Regrets:
Burke Austin
Luciano Gonzalez
Dick Raha

Also Present:
Beth Goodger, Manager, Solid Waste Planning, Waste Management Division
Dennis Guy, Project Manager, Community Outreach, Waste Management Division
Craig Murdoch, Acting Manager, Waste Disposal, Waste Management Division
Anne Winning, Acting Supervisor, Policy & Planning Section, Waste Management Division
Raffaella Morello, Policy Analyst -SWMMP, Waste Management Division
Peter Klaassen, Consultant, Klaassen and Associates
Jim McKay, Earth Tech Canada
Barry Lovegrove, Public
Stephen Toplack, Public
Lisa Young, Public
Edith MacLean, Public
Tony Gzik, Public
Derek McClurg, Public
Eric McGuiness, Hamilton Spectator

1. Approval of the Minutes, February 19, 2003

The minutes from the February 19, 2003 meeting were adopted as circulated. (Moved by Roman Caruk, seconded Mary Lou Dickson). CARRIED

2. Representation on the Waste Reduction Task Force and Glanbrook Landfill Committee

Michael Caruso attended the Glanbrook Landfill Coordinating Committee's meeting on February 24, 2002 and distributed a copy of the meeting minutes related to the Task Force's activities.

At the February 19, 2003 Task Force meeting, the Task Force approved reciprocal non-voting membership between the Glanbrook Landfill Coordinating Committee (GLCC) and the Waste Reduction Task Force. The GLCC granted full membership status with voting privileges to Michael Caruso. As a full member of the GLCC, the GLCC reported that Michael Caruso would be able to voice GLCC's concerns at Task Force meetings.

The GLCC approved the motion to request the Waste Reduction Task Force to reconsider voting status for the Glanbrook Landfill Coordinating Committee representative on the Task Force.

Motion: The Task Force agreed to table discussion on providing voting status to the Glanbrook Landfill Coordinating Committee representative on the Task Force.

(Moved by Roman Caruk, seconded Michael Caruso) CARRIED

The GLCC is interested in including a new Energy-From-Waste facility as part of the City's waste management system. The GLCC requested Luciano Gonzalez to make a presentation on plasma incineration technology on behalf of Kinectrics Inc. Beth Goodger recommended that the Task Force should wait for the appropriate processes in the Master Plan implementation schedule to review information from vendors.

David Hart Dyke requested information on various technologies related to the Master Plan to be forwarded to the Task Force.

Roman Caruk asked for clarification on the status of the GLCC. Beth Goodger reported that the Glanbrook Landfill Coordinating Committee is an official City Committee, which reviews the status of the Glanbrook Landfill.

Lynda Lukasik noted that the City should follow the Master Plan. A number of groups are interested in providing input into the waste management system; however, they are not following the public process established to review the Master Plan implementation.

Michael Caruso noted that Hugh Brown, Chairperson, resigned from the Glanbrook Landfill Coordinating Committee on February 24, 2003.

3. SWARU Decommissioning Study

The Task Force received a copy of the SWARU Decommissioning Study at the last meeting and was asked to review the document and provide comments at this meeting. The Task Force's comments related to the Decommissioning Study will be forwarded to the SWMMP Steering Committee. Staff will forward a report to City Council concerning the Decommissioning Study that will include comments from the Task Force and the SWMMP Steering Committee.

Michael Caruso requested additional information on the outcome of the remediation study. Craig Murdoch noted that the results from the remediation study would be available next week. The remediation study examined the extent of the ash deposits on site. Peter Klaassen noted the ash was placed in a former marsh onsite and it was difficult to distinguish the extent of the ash fill in some areas. He noted that wells were installed in several areas and there were no signs of contaminants leaching into other areas.

David Hart Dyke asked if there have been studies on the amount of contamination in the walls of the structure. Craig Murdoch noted that the analysis indicates that there is some contamination with the equipment that came into contact with the ash on site and that there is a minor amount of contamination in some of the building's ducts.

Several groups expressed interest in purchasing elements of the facility. One company was interested in renting the facility. The City will be issuing a Request for Quotes to contract a Broker to develop an inventory and sell any items of value from SWARU.

Several Task Force members suggested that the site could be used as a new waste management facility such as a materials recycling facility or centralized composting facility. Craig Murdoch noted that this scenario was reviewed in the Decommissioning Study.

David Hart Dyke asked if Staff could provide the Task Force with a list of Brownfield sites that could be considered in the site selection process for the new waste management facilities. Beth Goodger noted that the City does not have a list of Brownfield sites; however, it has a boundary designated for Brownfield development located in the north end of Hamilton. The review of potential brownfield sites for the new waste management facilities was included in the site selection process.

Lynda Lukasik asked if the City has a policy of handling its own Brownfield sites. Beth Goodger reported that she is not aware of a City policy to deal with its own Brownfield sites. Staff will review if this policy exists.

Michael Caruso asked if the SWARU facility is large enough to hold a materials recycling facility and a composting facility. The site footprint is large enough to hold one waste management facility. Peter Klaassen noted that if the City could construct a dual waste management facility if it obtains additional land by incorporating the Kenora Transfer Station property or the Mac Steel property on Kenora Avenue.

Michael Caruso noted that the City would not likely generate significant revenue from the sale of the SWARU property as a result of the cleanup costs required. Several members suggested that it would be a penalty for the City to sell the SWARU property and it would be preferable if the City remediates the property and keeps it for its own use.

Roman Caruk requested information on the City's legal obligation to the Ministry of the Environment. The SWARU facility has a Certificate of Approval (C of A) for a waste disposal facility. Craig Murdoch reported that SWARU has an active C of A because the building is currently being used to transfer waste while repairs are being made to the Kenora Transfer Station. There are plans to modify the Ash Building at SWARU as a waste drop-off area for the public in the future. The City provides reports related to the operation of its waste management facilities to the Ministry of the Environment. SWARU's Certificate of Approval will need to be amended or a new Certificate will have to be obtained based on the future use of the property.

Motion: The Waste Reduction Task Force recommended to include the SWARU property for consideration as part of the site selection process for the City's new Materials Recycling Facility and Centralized Composting Facility. The Task Force requested to review the feasibility of using the SWARU property for a both the Materials Recycling Facility and Composting Facility and to determine if additional property adjacent to the SWARU facility could be acquired and incorporated into the dual waste management facility.

(Moved by Ron Joice, seconded Rena Marie Cornelius) CARRIED

Michael Caruso asked if there are other community groups that may want to provide input for the Decommissioning Study. The Task Force recommended that the community be approached proactively if the SWARU property is included in the site selection process for new waste management facility.

4. User-Pay Systems, Discussion on ideas for Hamilton

At the February 19, 2003 meeting, the Task Force viewed a segment of a video on user-pay waste collection systems produced by the U.S. Environmental Protection Agency. Those present at the meeting discussed ideas for a user pay system for the City of Hamilton. Notes from the discussion were compiled by Staff and presented at the meeting. The Task Force received a copy of the presentation. The user-pay ideas include the following:

- Should Hamilton adopt a partial user pay system or a full user pay system;
- Phase in periods and suggested timeframes for the various stages of the user pay system;
- Economic considerations of the user pay system for the City's operations and residents;
- Alternative waste diversion practices, e.g. expanding waste diversion programs
- Use of other waste management systems, e.g. incineration

Michael Caruso noted that user-pay waste management systems is a new concept for Hamilton. Several members stressed that residents should take ownership of the problem of waste disposal and should have options to reduce waste.

Mary Lou Dickson suggested producing a post card with a picture of the Glanbrook Landfill to show residents what the landfill looks like. Beth Goodger reported that Staff is developing a Waste Watch program to develop ideas and programs to encourage the public to reduce waste.

Lynda Lukasik recommended that people should be encouraged to follow sustainable waste management practices.

Tony Waite noted that there could be difficulties with dealing with student housing with full user-pay waste management system. The City would have to obtain census information on areas with student housing. Ron Joice suggested that students and property owners would have to be educated on the City's policies. Several Task Force members noted that special considerations would have to be made for residents who may not be able to meet the reduced containers limit, e.g. individuals with medical conditions who may produce additional waste materials.

Several Task Force members asked if the City has a by-law to deal with littering. Staff will review if there is a by-law to control littering. They suggested City by-laws that deal with illegal dumping and littering would need significant fines and enforcement action if the City adopts a user-pay waste collection system.

Michael Caruso recommended that residents should be aware of any changes to waste limits and potential user-pay systems well in advance of when the changes occur. Dorienne Cushman stated that the public needs to know how much they are paying for waste collection and disposal. Any type of flat fee would have to be reduced to coincide with any proposed waste reduction limits. She suggested the City should ensure participation in the recycling program is mandatory. Beth Goodger reported that the City faces increasing waste management costs related to the new facilities and programs to be developed as part of the waste management Master Plan.

David Hart Dyke summarized the Task Force's recommendation, based on the discussion, that the City move towards a partial user-pay waste management system that coincides with new waste diversion programs, is flexible to meet the socio-economic needs of the City, and is accompanied with a public education program. The public should be informed of any changes to the waste collection system well in advance of when the changes will occur.

Staff will review the need to move towards a user-pay waste management system. There will be future opportunities for input and results of the voluntary three-container limit will provide further insight on possible directions for Hamilton.

5. SWMMP Activities

a. Annual Waste Management Report Card

The Task Force received a draft copy of the waste management report card. The Task Force was asked to review the document and provide their comments to Staff. David Hart Dyke asked if planned remedial activities could be included in the report card. Staff will make the report card format as concise as possible. Beth Goodger reported that a supplementary report could be developed if additional information is required on specific items in the Report Card.

Several members suggested that segments of the Master Plan Recommendations could be published in the newspaper or advertised on television on a regular basis to increase the public's awareness of the Master Plan.

Beth Goodger presented information on the status of the Master Plan Implementation schedule. The Task Force received a copy of the presentation.

b. 2003 Task Force Work Plan

A copy of the proposed 2003 Task Force Work Plan was distributed at the meeting.

6. Staff Updates on Waste Management Initiatives

a. Recycling Program Re-launch

The media launch to announce the changes to the City's Recycling Program will be held on March 20, 2003 in front of City Hall at 10:30 a.m. The Task Force was invited to attend this event. The Task Force received a copy of the brochure that will be included with the Blue Box deliveries. The brochure includes information on the changes related to the new Blue Box program.

b. Environment Days

Anne Winning reported that several Task Force members have volunteered to participate in the Environment Day Events. The Environment Days will be held on April 13, 2003 at Mohawk College and April 27, 2003 at Bayfront Park. Posters advertising the Environment Days will be placed in various City facilities and public locations. The posters were distributed at the meeting. Task Force members were asked to take a few posters to display in the community.

c. Waste Collection Calendars

The City's waste collection calendars were mailed or delivered to residents in early March. Anyone who did not receive their calendar was asked to contact the Waste Management Division. Ollie Thomson asked if residents in multi-residential buildings received calendars. The Waste Management Division supplies calendars to building superintendents for multi-residential buildings.

7. Standing Agenda Items

a. Update from Glanbrook Landfill Co-ordinating Committee

This item was discussed as part of item 2 on the agenda.

8. Other Business

a. School Recycling Program

Mary Lou Dickson requested information on recycling programs for schools. Beth Goodger reported that elementary and secondary schools will be eligible for curbside waste collection as part of the City's new recycling collection program. Roman Caruk noted that each school in the Hamilton-Wentworth Catholic District School Board has a representative on the School Board's Environmental Committee. The School Board has a target of 50% waste diversion by 2004.

9. Adjournment

There being no further business, the meeting adjourned at 9:00 p.m. The next meeting is scheduled for April 16, 2002 at 7:00 p.m. in Hamilton City Hall, Room 110.

RM\
Copies to: All present
Regrets
SWMMP Waste Reduction Task Force Binder Distribution List
Peter Crockett, General Manager, Public Works Department
Glanbrook Landfill Coordinating Committee c/o Phil Jensen, Waste Management Division
City Clerks Division, c/o Lisa Barroso

N \SW Planning\Master Plan\Task Force\Meetings\2003\Minutes#3-03.doc

AFFECTS WARD 13

CITY OF HAMILTON

4.4

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 22, 2003	**Prepared by:**	R. Shebib Extension 3909

SUBJECT: Intersection Control - East Street North at King Street East (PW03043) (Ward 13)

RECOMMENDATION:

(a) That the "East Street North" and "King Street East" intersection be changed from a "two way" stop control to an "all way" stop control.

(b) That the by-law outlined in Report PW03043 as Appendix A to amend City of Hamilton Traffic By-law 01-215 be passed and enacted.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

Due to a recent collision, an area resident has requested that a review of the intersection of East Street North and King Street East be conducted. Staff reviewed this intersection and found a historical pattern of 6 right angle collisions over the last 3 years, which meets the warrant level of 5 or more correctable collisions. As a result, the intersection warrants the installation of an all-way stop.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 13.

Staff received a request from an area resident, to review the operation of the intersection of East Street North and King Street East. The resident's concern was the safety of the intersection due to a recent collision.

Currently eastbound and westbound traffic on King Street East are required to stop for northbound and southbound traffic on East Street North. Visibility of these stop signs was examined, and deemed satisfactory. The visibility of the eastbound stop on King Street was previously enhanced with the installation of tigertails and a left hand stop. Westbound King Street can be seen for more than 400m.

There have been 6 reported right angle collisions at this intersection over the last 3 years. The Installation Policy for All-Way Stop Control at Intersections (TOE01-000) states that if 5 or more correctable collisions are reported over the latest last 3 years, the installation of an all-way stop is recommended. Also, after reviewing the police reports more closely, it appears drivers are initially obeying the stop signs on King Street, but some are aggressively proceeding into the intersection without proper gaps on East Street. Given the right angle collision pattern, staff recommends that this intersection be changed from a 2-way eastbound/westbound stop to an all-way stop control.

ANALYSIS OF ALTERNATIVES:

One alternative to the recommendation would be to increase the presence of the existing stop control on King Street by enhancing the signs and markings in advance of the intersection.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in regular current accounts to cover the cost of manufacturing, erecting and maintaining the required signs.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The implementation of the recommended all-way stop control will clearly define the “right-of-way” at the subject intersection, thus, reducing the potential for collisions and providing a safer community.

Appendix A

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "B" thereof the following items, namely:

   "East Street North   Northbound and Southbound   King Street East"

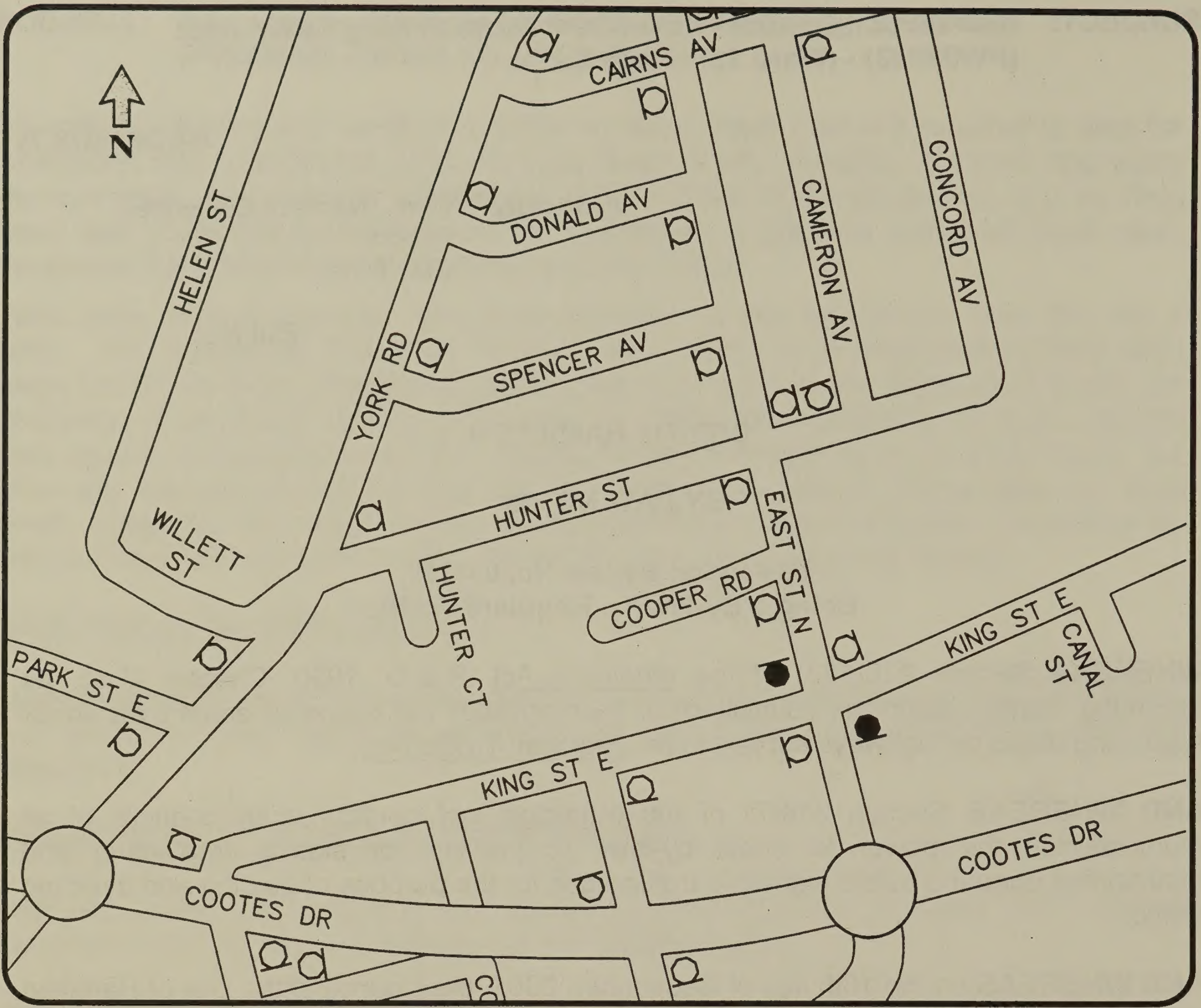
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

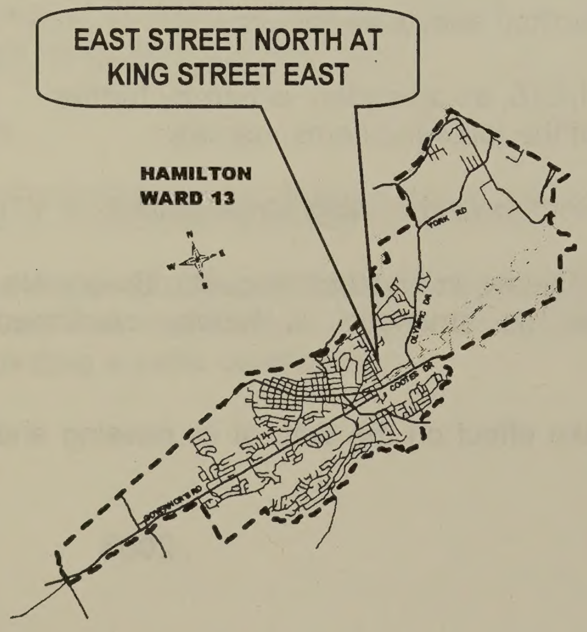
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


N
CAIRNS AV
DONALD AV
SPENCER AV
HELEN ST
YORK RD
CAMERON AV
CONCORD AV
HUNTER ST
WILLETT ST
EAST ST N
COOPER RD
HUNTER CT
PARK ST E
KING ST E
CANAL ST
KING ST E
COOTES DR
COOTES DR

KEY MAP


EAST STREET NORTH AT KING STREET EAST
HAMILTON WARD 13
YORK RD
COOTES DR

LOCATION PLAN

ALL-WAY STOP CONTROL:
EAST STREET NORTH
AT
KING STREET EAST
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
●	STOP SIGN	○	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE	DATE
NOT TO SCALE	2003-04-22

REFERENCE FILE NO: **PW03043**

AFFECTS
WARD 3

CITY OF HAMILTON

4.5

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 11, 2003	**Prepared by:**	T. Clayton Extension 5675

SUBJECT: Intersection Control - Gage Avenue North and Beechwood Avenue (PW03042) - (Ward 3)

RECOMMENDATION:

(a) That the intersection of Gage Avenue at Beechwood Avenue continue to operate as two-way stop control.

(b) That the morning and afternoon peak hour stopping prohibitions on both sides of Gage Ave between Cannon Street East and Barton Street East, except in the area of Gage Avenue School, be removed.

(c) That the by-law outlined in Report PW03042 as Appendix A to amend the City Traffic By-law 01-218 be passed and enacted.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

In an effort to reduce the speed of the traffic on Gage Avenue, the Gage Avenue North Neighbourhood Committee has suggested that an all-way stop control be implemented at the intersection of Gage at Beechwood. The intersection is actually two "T" type intersections that are offset by 15 metres.

The intersection was analysed subject to City Council approved all-way stop control policy criteria and does not warrant an all-way stop control based on the following factors:

- negligible collision history
- low side street vehicle volumes
- disproportionate volume split
- truck route 7 a.m. to 7 p.m. (Gage Ave)

redevelopment of Fortino's at Eastgate Square to discourage short-cutting traffic through the neighbourhood. Councillor Chad Collins has recently requested that the existing eastbound "No Right Turn" regulation on Delawana Drive at Eastgate Square be removed.

Councillor Collins has advised that he has received several complaints from residents that motorists are frequently using their driveways to turn around in order to avoid the turn prohibition. A staff review has indicated that this proposal is feasible and therefore supported.

ANALYSIS OF ALTERNATIVES:

One alternative would be to take no action. However, the residents would continue to have motorists using their driveways for "U-turn" movements and this is unacceptable to them.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in the regular current accounts to cover the costs of removing the subject signs.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Planning Department was consulted regarding this matter and they have advised that they concur with the requested removal of the turn restriction.

CITY STRATEGIC COMMITMENT:

The removal of the subject turn prohibition on Delawana Drive at the Eastgate Square entrance will provide a quieter and perhaps safer community environment for residents living on Delawana Drive, Oakland Drive and Kenora Avenue.

Appendix "A"

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 8 (No Right Turns) of By-law No. 01-215, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

"Delawana	Eastbound	Delawana Dr. Driveway Eastgate Square	Anytime"

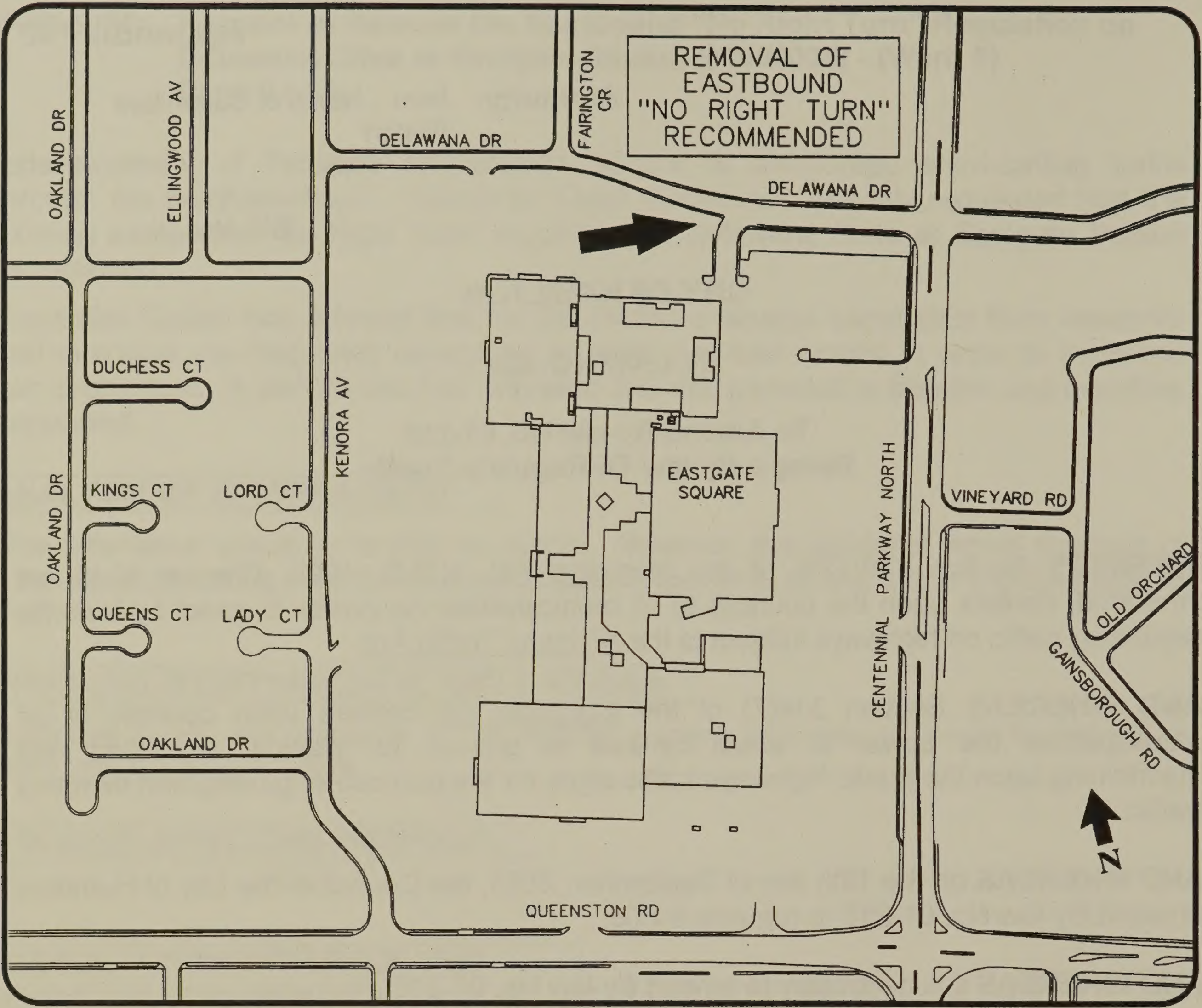
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

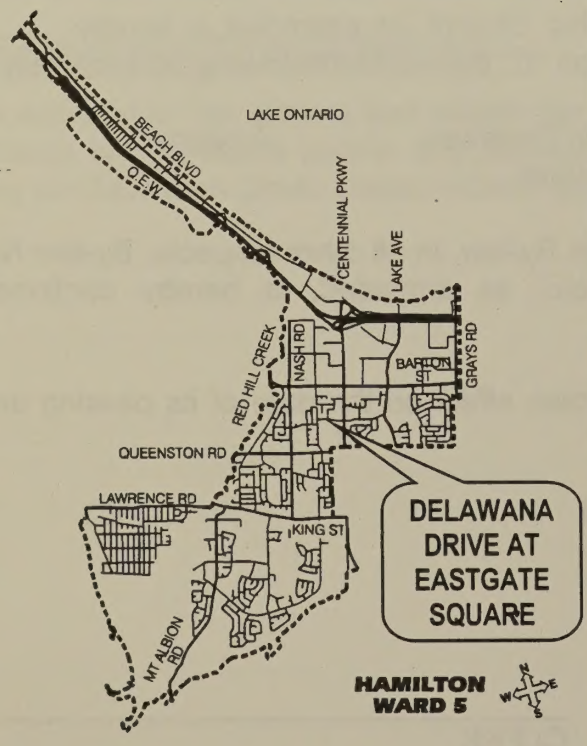
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


REMOVAL OF EASTBOUND "NO RIGHT TURN" RECOMMENDED
OAKLAND DR
ELLINGWOOD AV
DELAWANA DR
FAIRINGTON CR
DELAWANA DR
DUCHESS CT
KINGS CT
LORD CT
QUEENS CT
LADY CT
OAKLAND DR
OAKLAND DR
KENORA AV
EASTGATE SQUARE
CENTENNIAL PARKWAY NORTH
VINEYARD RD
OLD ORCHARD
GAINSBOROUGH RD
N
QUEENSTON RD

KEY MAP


LAKE ONTARIO
BEACH BLVD
Q.E.W.
CENTENNIAL PKWY
LAKE AVE
NASH RD
RED HILL CREEK
BARTON ST
GRAYS RD
QUEENSTON RD
LAWRENCE RD
KING ST
MT ALBION RD
DELAWANA DRIVE AT EASTGATE SQUARE
HAMILTON WARD 5
N
W
E
S

LOCATION PLAN

REMOVAL OF
EASTBOUND "NO RIGHT TURN"
REGULATION ON
DELAWANA DRIVE
AT EASTGATE SQARE
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

➡ **SUBJECT LOCATION**

SCALE
NOT TO SCALE

DATE
2003-04-22

REFERENCE FILE NO: **PW03038**

AFFECTS WARD 2

CITY OF HAMILTON

4.7

PUBLIC WORKS DEPARTMENT
Capital Planning & Implementation Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 22, 2003	**Prepared by:**	Gavin Norman Extension 2433

SUBJECT: Amendment to Road Alteration By-law - Guise Street from Bay Street / Leander Drive to Catharine Street (TOE02139B) - (Ward 2)

RECOMMENDATION:

That a by-law to amend By-Law 02-343 (To Alter Guise Street between Bay Street/Leander Drive and Catharine Street), in the form attached to Report TOE02139B, be passed and enacted.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The alterations to Guise Street were included in the 2002 Capital Program with By-Law 02-343 for the works being enacted on November 27, 2002. There is a typographical error in the wording of the by-law that needs revising. In the road alteration's description:

"realignment of the intersection at Catharine Street to form a new 4-legged intersection with Dock Service Road";

should read:

"realignment of the intersection at Catharine Street to form a new **3-legged** intersection with Dock Service Road".

All plans and drawings presented to the public respecting this road alteration have always shown a 3-legged intersection.

BACKGROUND:

The alterations to Guise Street were included in the 2002 Capital Program with By-Law 02-343 for the works being enacted on November 27, 2002. There is a typographical error in the wording of the by-law that needs revising.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As this amendment relates only to a typographical error and the correct intersection alignment was clearly shown on all drawings and plans presented to the public during the public notice period for the alteration by-law, no further public notice is required to pass this amending by-law.

POLICIES AFFECTING PROPOSAL:

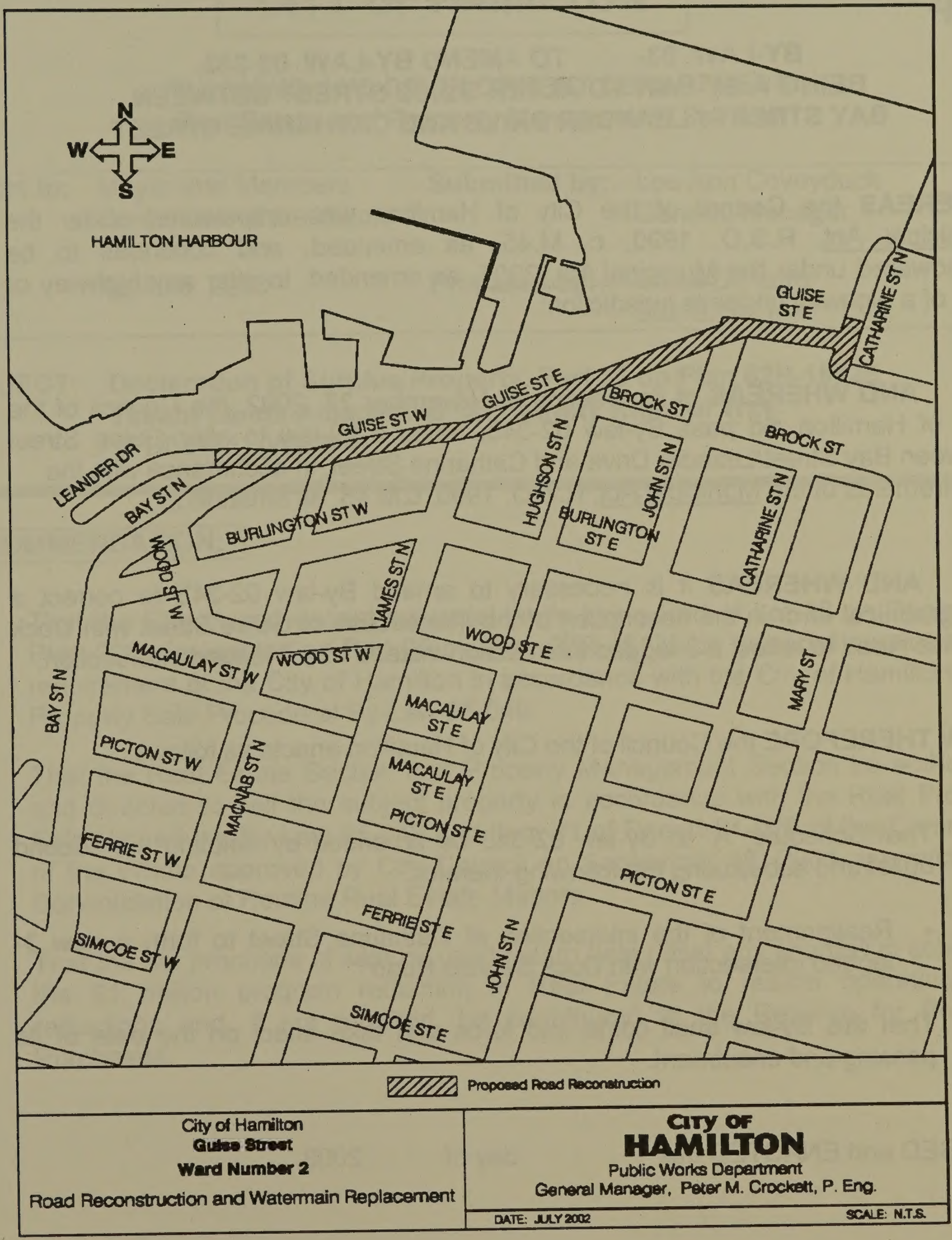
N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Legal Services

CITY STRATEGIC COMMITMENT:

N/A


N
W
E
S
HAMILTON HARBOUR
GUISE ST E
CATHARINE ST N
GUISE ST E
BROCK ST
GUISE ST W
BROCK ST
LEANDER DR
BAY ST N
HUGHSON ST N
JOHN ST N
BURLINGTON ST W
BURLINGTON ST E
CATHARINE ST N
JAMES ST N
MACNAB ST N
WOOD ST E
MACAULAY ST W
WOOD ST W
MARY ST
BAY ST N
MACAULAY ST E
PICTON ST W
MACAULAY ST E
MACNAB ST N
PICTON ST E
FERRIE ST W
PICTON ST E
FERRIE ST E
SIMCOE ST W
JOHN ST N
SIMCOE ST E
▨ Proposed Road Reconstruction

City of Hamilton
Guise Street
Ward Number 2
Road Reconstruction and Watermain Replacement

CITY OF HAMILTON
Public Works Department
General Manager, Peter M. Crockett, P. Eng.
DATE: JULY 2002
SCALE: N.T.S.

CITY OF HAMILTON

BY-LAW 03- TO AMEND BY-LAW 02-343, BEING A BY-LAW TO ALTER GUISE STREET BETWEEN BAY STREET / LEANDER DRIVE AND CATHARINE STREET

WHEREAS the Council of the City of Hamilton was empowered under the Municipal Act, R.S.O. 1990, c. M.45, as amended, and continues to be empowered under the Municipal Act, 2001, as amended, to alter any highway or part of a highway under its jurisdiction;

AND WHEREAS at its meeting of November 27, 2002, the Council of the City of Hamilton did pass By-law 02-343, being a by-law to alter Guise Street between Bay Street/Leander Drive and Catharine Street, in accordance with the requirements of the Municipal Act, R.S.O. 1990, c.M.45, as amended;

AND WHEREAS it is necessary to amend By-law 02-343 to correct a typographical error in the description of the intersection of Guise Street with Dock Service Road to reflect a 3-legged intersection instead of a 4-legged intersection;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule "A" to By-law 02-343 be amended by deleting the second bullet and substituting the following therefor:
    - Realignment of the intersection at Catharine Street to form a new 3-legged intersection with Dock Service Road"
2. That this By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this day of , 2003.

Mayor

Clerk

AFFECTS WARD 4

CITY OF HAMILTON

4.8

PLANNING AND DEVELOPMENT DEPARTMENT
Real Estate and Property Management Section

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	April 16, 2003	**Prepared by:**	Vince DiPietro 905-628-2144

SUBJECT: Declaration of Surplus Property, Part 25 on Plan 62R-15125 Vacant Lands Adjacent to CN Railway Right of Way (PD03101) (Ward 4)

RECOMMENDATION:

(a) That the City owned vacant industrial lands being Part of Lot 18 on Registered Plan 308, designated as Part 25 on Plan 62R-15125 be declared surplus to the requirement of the City of Hamilton in accordance with the City of Hamilton Real Property Sale Procedural By-Law 95-049.

(b) That the Real Estate Section and Property Management Section be authorized and directed to sell the subject property in accordance with the Real Property Sale Procedural By-Law 95-049 and Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters.

(c) That the net proceeds of sale be used first to help offset any shortfall in achieving the $1 million program reduction in Real Estate to realize operating cost reductions and, if not required, be contributed to the Reserve for Property Purchases.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The purpose of this report is to request City Council's approval to declare the vacant lands described as Part 25 on Plan 62R-15125 surplus to the requirements of the City of Hamilton. This recommendation is preceding a report from Staff to dispose of the subject lands.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 4 but may have Citywide implications.

Effective January 1, 1995 the Municipal Act was amended by Bill 163, requiring municipalities to enact a by-law to establish procedures for the sale of real property owned by a municipality. In accordance with Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters stipulates that all municipally owned real property intended to be sold, be surplus to municipal requirements and if so, Council shall by by-law or resolution, declare the property surplus.

The subject lands are zoned "J" - Light and Limited Heavy Industrial, located adjacent to the main Canadian National Rail right of way, just west of Nash Road North in the Parkview East Neighbourhood of east Hamilton. The subject is described as Part 25 on Plan 62R-15125 and comprise an area of .109 Hectares (.269 Acres) of landlocked industrial lands located to the rear of 822 Rennie Street. The lands were purchased as a result of direction and interest from the former Region's Roads Department in 1997 from the Canadian National Railway Company, when CN was disposing of their surplus landholdings in the Hamilton area.

As a result of the Redhill Creek Expressway project, the City is in significant and critical negotiations with a property owner to acquire lands necessary for a rail relocation project in the area of Rennie Street/Nash Road North. The sale of the subject lands is part of a possible agreement that would allow the City to purchase the lands needed for the rail relocation.

Various City Departments have been notified of the surplus status of the subject and none have shown interest or objected to the sale of the subject property.

ANALYSIS OF ALTERNATIVES:

If Council does not choose to declare the subject lands surplus to the requirements of the City of Hamilton, the negotiations to purchase lands that abut the subject for the implementation of the rail relocation will be frustrated and an expropriation would be required to obtain the parcel needed by the City.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

If this recommendation is approved, staff will take the necessary steps to dispose of the subject lands as part of the negotiations to acquire additional property required for the construction of infrastructure for the Redhill Creek Expressway.

It should be noted that the potential sale of this property will result in realizing revenue collected from taxes subsequent to the sale which would otherwise have not been received if the property had stayed in Municipal ownership. The new tax revenue should be considered, if required, during the 2004 budget process in order to help achieve the $1 million in operating savings that is to come out of the base budget.

Staffing

N/A

Legal

N/A

POLICIES AFFECTING PROPOSAL:

Effective January 1, 1995 the Municipal Act was amended by Bill 163, requiring municipalities to enact a by-law to establish procedures for the sale of real property owned by a municipality. Subsequently, the former City of Hamilton adopted and enacted the Real Property Sale Procedural By-Law No. 95-049 and in accordance with Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approved the Consolidation of Routine Real Estate Matters requiring that all municipally owned real property intended to be sold, be surplus to municipal requirements and if so, Council shall by by-law or resolution, declare the property surplus. Identifying and disposing of surplus properties at market value is consistent with the effective management of the realty assets of the City of Hamilton.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Various City Departments have been notified of the surplus status of the subject and none have shown interest or objected to the sale.

CITY STRATEGIC COMMITMENT:

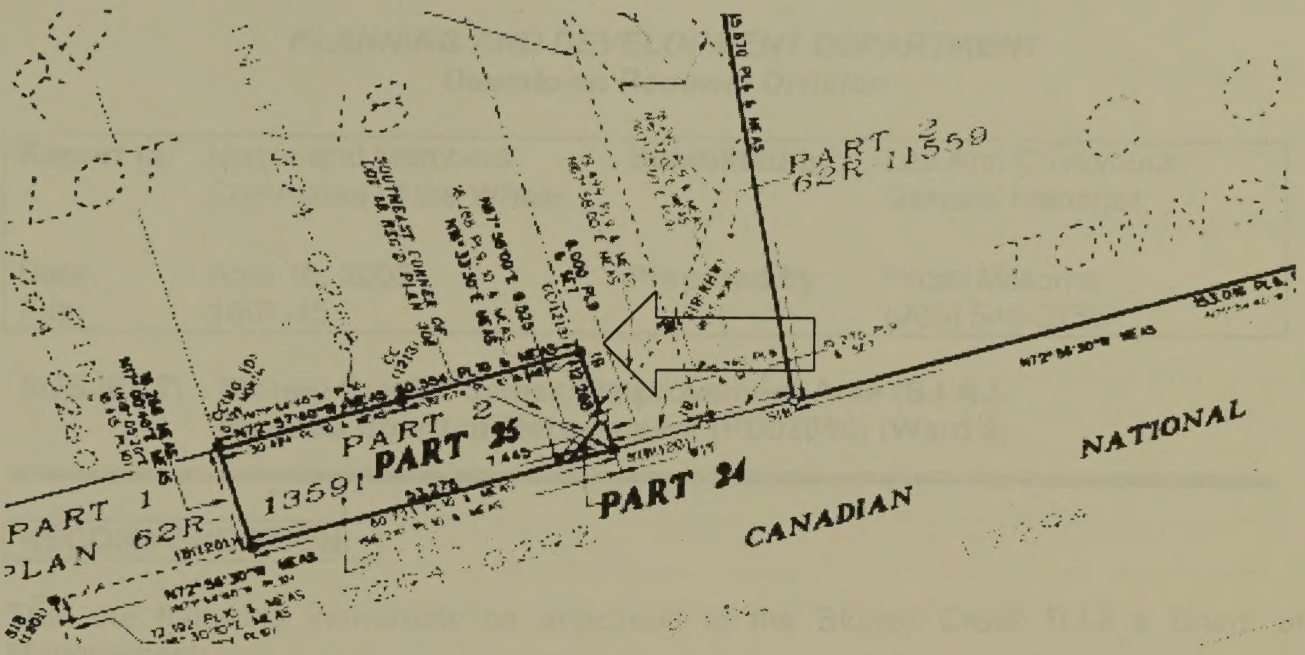
The City of Hamilton is committed to promoting the Vision 2020 goals to develop an integrated sustainable transportation system. The availability of the subject lands will facilitate a transaction to acquire lands necessary for the construction of infrastructure needed for the Redhill Creek Expressway.

The recommendations address to Council's approved goals, including, more specifically Goal 1 – "A City of Growth and Opportunity".

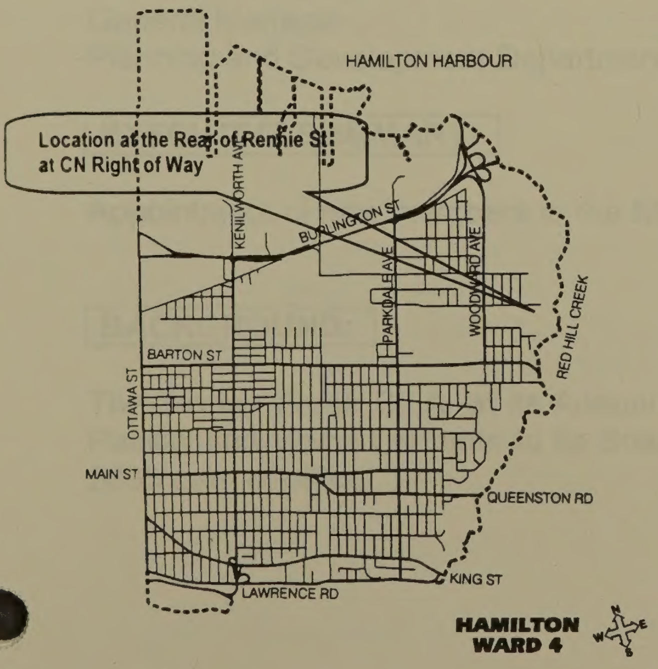
vdp

Attach. (1) map

cc: Councillor S. Merulla, Ward 4, Councillors' Office
G. McGuire, Manager of Surveys, Public Works
G. Moore, Manager of Design, Public Works


LOT 18
PART 2
62R 11559
TOWNS
PART 1
PLAN 62R-
PART 2
13591
PART 25
PART 24
CANADIAN
NATIONAL
N72°54'30"W MEAS

KEY MAP


HAMILTON HARBOUR
Location at the Rear of Rennie St at CN Right of Way
KENILWORTH AV
BURLINGTON ST
PARKDALE AVE
WOODWARD AVE
RED HILL CREEK
BARTON ST
OTTAWA ST
MAIN ST
QUEENSTON RD
KING ST
LAWRENCE RD
HAMILTON WARD 4
N
E
S
W

LOCATION PLAN

Part 25 on Plan 62R-15125
Surplus lands to the rear 822 Rennie St
Adjacent to Canadian National Railway

Planning and Development
CITY OF HAMILTON
PD03101

LEGEND

⇦

SUBJECT LAND

SCALE	DATE
NOT TO SCALE	2003-04-14

REFERENCE FILE NO: **2003-006**

AFFECTS WARD 9

4.9

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	April 16, 2003 1001-15	**Prepared by:**	Hazel Milsome (905) 546-2755

SUBJECT: **Stoney Creek Business Improvement Area (B.I.A.) Revised Board of Management (PD03099) (Ward 9)**

RECOMMENDATION:

That the following individuals be appointed to the Stoney Creek B.I.A.'s Board of Management:

Paul Pacifici, Village Green Denture Clinic, 8 King Street East
Verne LaPlante, La Bamba, 25 King Street East, Unit #4

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Appointment of new members to the Stoney Creek B.I.A.'s Board of Management.

BACKGROUND:

The Stoney Creek B.I.A. at its Annual General Meeting held April 2, 2003 elected Paul Pacifici and Verne LaPlante to its Board of Management for the remainder of the 2001-2003 term of office.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – There are no staffing implications.

Legal – The Municipal Act, 2001, S.O. 2001, c.25, Sections 204-215 governs B.I.A.s. Section (204) Subsection (3) stipulates "A Board of Management shall be composed of, (a) one or more directors appointed directly by the municipality; and (b) the remaining directors selected by a vote of the membership of the improvement area and appointed by the municipality". Section 204 Subsection (12) stipulates "…if a vacancy occurs for any cause, the municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive districts with positive results on the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

HM:jcs fmm

c.c. Ed Strecker, Chairman, Stoney Creek B.I.A.

AFFECTS WARD 9

CITY OF HAMILTON

4.10

PLANNING AND DEVELOPMENT DEPARTMENT

Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	April 16, 2003	**Prepared by:**	Hazel Milsome (905) 546-2755
File:	1001-15		

SUBJECT: **Stoney Creek Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2003 (PD03098) (Affects Ward 9)**

RECOMMENDATION:

(a) That the 2003 operating budget for the Stoney Creek B.I.A. attached as Appendix 'A' to Report PD03098 be approved in the amount of $18,618;

(b) That the 2003 levy portion of the operating budget for the Stoney Creek B.I.A. in the amount of $7,618 be approved;

(c) That the General Manager of Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, the Municipal Act, 2001, to levy the 2003 budget as referenced in (b) above;

(d) That the following schedule of payments for 2003 be approved:

May	$3,809
September	$3,809

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Approval of the 2003 budget and schedule of payment for the Stoney Creek B.I.A.

BACKGROUND:

At its Annual General Meeting held on April 2, 2003, the Stoney Creek B.I.A.'s Board of Management presented its proposed budget for 2003.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The $18,618 operating budget for the Stoney Creek B.I.A. is derived through the following:

*	Levying its members	$ 7,618
*	Monies remaining in bank	$11,000

There is no cost to the City of Hamilton for any part of this operating budget.

Staffing – There are no staffing implications.

Legal – The Municipal Act, Section 205, Sub-section (1) dictates that City Council must approve budgets of B.I.A.s.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive district with positive results in the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

HM:jcs Rmm
Attach. (1)

c.c. Ed Strecker, Chairman, Stoney Creek B.I.A.

Appendix ‘A’ to Report PD03098
Page 1 of 1

STONEY CREEK BUSINESS IMPROVEMENT AREA

2003 BUDGET

Description	**Amount**
Retail Promotions	$2,300
Special Events	0
Streetscape Improvements	3,990
Street Decorations – Special	6,623
Santa Claus Parade	2,300
Administration	470
Insurance	935
Reserve (*)	2,000
Sub-Total	**$18,618**
Less: Cash in bank as of Feb 28/03	(11,000)
Levy	$7,618

***Reserve – yearly amount to remain in bank for new purchases**

AFFECTS
WARD 15

CITY OF HAMILTON

4.11

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	April 16, 2003 ZAR-01-44	**Prepared by:**	Jason Thompson (905) 546-3933

SUBJECT: **Removal of Holding Symbol for Lands Legally Described as Part of Lot 4, Concession 11, (Former Town of Flamborough), Owner – Sierra Lane (2000) Developments Inc. (PD03095) (Ward 15)**

RECOMMENDATION:

That approval be given to **Zoning Application ZAR-01-44, Sierra Lane (2000) Developments Inc., owner**, for removal of the Holding provision for a portion of lands zoned Site-Specific Residential Mobile Home Holding "R9-1(H)" Zone, to permit the continued development of a seventy-six (76) unit manufactured home park, known as "Bronte Creek Estates" (former Town of Flamborough), shown as Block 1 on Appendix "A" to Report PD03095, on the following basis:

(a) That the subject lands be rezoned from Site-Specific Residential Mobile Home Holding "R9-1(H)" Zone to Site-Specific Residential Mobile Home "R9-1" Zone;

(b) That the attached By-law, included as Appendix "B" to Report PD03095, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council;

(c) That Schedule "A-2", of Zoning By-law No. 90-145-Z (Flamborough), be amended by marking the lands shown on Appendix "A" as Site-Specific Residential Mobile Home "R9-1" Zone; and,

(d) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Flamborough Official Plan.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The purpose of this By-law is to remove the Holding provision "H" from the Site-Specific Residential Mobile Home Holding "R9-1(H)" Zone for the subject lands, legally described as Part of Lot 4, Concession 11 (former Town of Flamborough), as shown on the attached map marked as Appendix "A". The owner, Sierra Lane (2000) Developments Inc., has submitted this application to allow for the continued development of a seventy-six (76) unit manufactured home park, known as "Bronte Creek Estates".

On April 14, 1994, the Ontario Municipal Board approved By-law No. 93-65-Z to authorize the rezoning of lands known as 404 - 12th Concession Road East from Recreational Open Space "O3-3" to a Site-Specific Residential Mobile Home Zone "R9-1" with a Holding "H" category. Removal of the Holding "H" provision is conditional upon the applicant satisfying the following condition:

(1) The new use of the mobile and manufactured home park will not start until the owner has entered into a legal agreement with the Region of Hamilton-Wentworth about communal services for the park.

On January 28, 2000, Bronte Creek Developments Inc., (former owner of "Bronte Creek Estates), entered into a Default Agreement with the Region of Hamilton-Wentworth. As a result, the Town of Flamborough approved By-law No. 2000-09-Z to remove the Holding "H" provision from the seventy-six (76) units of the originally approved Site Plan.

On June 5, 2000, the Town of Flamborough approved an amendment to the existing Site Plan Agreement. The amendment was to reconfigure seventeen (17) of the seventy-six (76) units and the communal septic system, however, the Holding "H" provision was never lifted from the reconfigured portion of the amended Site Plan. All the Agreements and Certificates of Approval apply to the amended site plan and the City of Hamilton still has the securities required under both the Development/Site Plan Agreement and Communal Servicing and Default Agreement.

Based on the above, the Zoning Amendment application for the removal of the Holding symbol provision can be supported.

BACKGROUND:

History of "Bronte Creek Estates"

On April 14, 1994, the Ontario Municipal Board approved Official Plan Amendment No. 33 and Zoning By-law Amendment No. 93-65-Z to permit a Mobile Home Park of up to one hundred and thirty (130) units with an initial stage of development limited to seventy-six (76) units. Approval for subsequent stages of development of up to fifty-four (54) units may be allowed after consideration of the impact the seventy-six (76) units have on the surrounding rural community, landscape and natural areas and the potential liabilities of providing any necessary municipal servicing to the site.

By-law No. 93-65-Z placed the subject lands under a Holding "H" Zone until the applicant entered into a legal agreement with the former Region of Hamilton-Wentworth regarding the communal servicing of the site.

On January 25, 1999, the Town of Flamborough approved Site Plan Agreement By-law No. 99-08-03 to permit the development of seventy-six (76) units. The Site Plan/Development Agreement was registered as Instrument No. L.T. 590058 on February 10, 2000.

On January 31, 2000, the Town of Flamborough approved By-law No. 2000-09-Z to remove the Holding "H" from a portion of lands, as identified in the approved Site Plan Agreement.

On June 5, 2000, the Town of Flamborough approved an amendment to the existing Site Plan Agreement. The amendment was to reconfigure the seventy-six (76) units and leaching bed.

On August 16, 2000, Draft Plan of Condominium 25CDM-99004 was approved for "Bronte Creek Estates". The Draft Plan of Condominium is consistent with the amended Site Plan Agreement.

Details of Submitted Application

Owner: Sierra Lane (2000) Developments Incorporated

Description: Seventy-six units with various frontages and depths

ANALYSIS OF ALTERNATIVES:

Should this application not be approved, the applicant will not be able to proceed with the development of seventeen (17) of the seventy-six (76) units on the approved Site Plan Agreement.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: No implications on financial resulting.

Staffing: No implications on staffing resulting.

Legal: Council approval of a By-law Amendment to remove the Holding symbol is required under the Planning Act. A Public Hearing is not required; however, notice of the intent to pass the By-law must be given.

POLICIES AFFECTING PROPOSAL:

- Provincial Policy Statement

  The proposal is considered to fall within the parameters of the Provincial Policy Statement.

- Hamilton-Wentworth Official Plan (2000)

  The proposal does not conflict with the policies of the Hamilton-Wentworth Official Plan.

- Flamborough Official Plan

  The proposal conforms to the Flamborough Official Plan (Schedule B-16) as the subject lands are designated as Open Space and Recreation – Site Specific Area No. 16, which permits mobile and manufactured dwelling units.

  With respect to Holding By-laws, the Official Plan states that Council may consider passing a By-law to remove the Holding symbol when the lands have adequate services for the proposed development, the development is consistent with the other provisions of the Official Plan and the proposed development is permitted by the Zoning By-law.

- Flamborough Zoning By-law No. 90-145-Z

  The proposal conforms to Zoning By-law No. 90-145-Z as it proposes to remove the Holding "H" symbol from the subject lands, which are zoned Residential Mobile Home "R9-1(H)".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The **Public Health and Community Services Department** has advised that they have rescinded their Boil Water Advisory and have no objections to the removal of the Holding "H" provision.

The **Public Works Department – Water and Waste Water Division** has advised that they would have no objection to removing the Holding designation, as it has been confirmed that the Ministry of Environment has provided all the necessary approvals for the private communal water and wastewater systems.

Agencies/Departments Having No Comment or Objections

- Corporate Services Department
- Public Works Department – Operation and Maintenance Division
- Conservation Halton
- Hamilton Police Service
- Union Gas

CITY STRATEGIC COMMITMENT:

The proposal will provide the opportunity for development in a designated "Residential Mobile Home Park", which is consistent with the goals for sustainable development. Approval of the application would not result in any negative social, environmental or economic impacts.

COMMENTS:

The Holding "H" provision was affixed to the zoning of the subject lands in order to ensure the servicing of the proposed development was addressed to the satisfaction of the City of Hamilton. In this regard, legal agreements were entered into with the former Town of Flamborough and Region of Hamilton-Wentworth and a portion of the subject lands were removed from the Holding "H" provision. After the removal of the Holding "H" provision, a modified site plan was endorsed by the former Town of Flamborough and a revised draft plan of condominium was approved by the former Region of Hamilton-Wentworth. However, the Holding "H" provision was not removed from the subject property to reflect the amended Site Plan Agreement.

By-law No. 2000-09-Z removed the Holding "H" provision from the seventy-six (76) units approved in the original Site Plan Agreement. The By-law attached as Appendix "B" to Report PD03095 is proposing to remove the Holding "H" provision from additional lands to accommodate the modified site plan and ensure that all seventy-six (76) units, wells and leaching beds can be developed. Although the Holding "H" provision will be removed from an area larger than the amended Site Plan Agreement, the lands can only be developed with seventy-six (76) units. Any additional development on the lands can only proceed under Site Plan Agreement and any other agreements deemed necessary by the City of Hamilton.

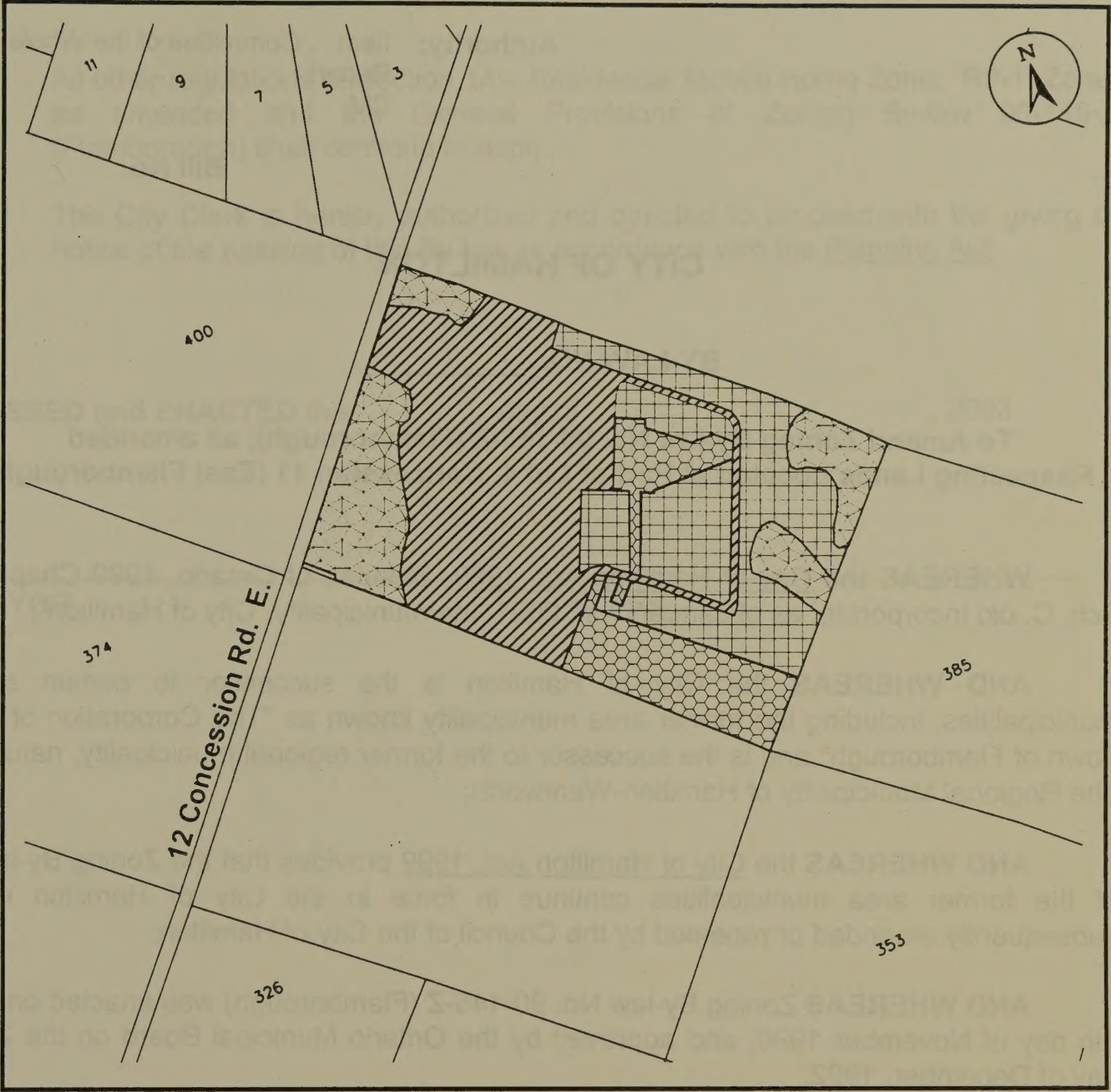
In review of the application to remove the Holding "H" provision from the subject lands, staff were made aware of some outstanding environmental health issues concerning the communal water works and sewage works. As a result, the application was held in abeyance until all the health concerns had been properly addressed. In this regard, the Public Health and Community Services Department commented that the Boil Water Advisory had been rescinded and the Public Works Department – Water and Wastewater Division confirmed that the Ministry of Environment has provided all the necessary approvals for the private communal water and wastewater systems. Therefore, the Holding "H" provision can be removed from a portion of the subject lands since all the health concerns have been properly addressed.

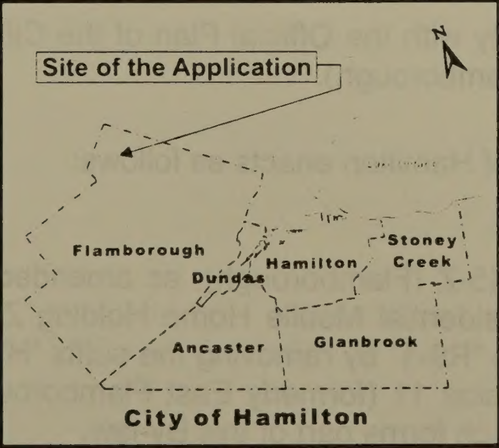
As the intent of the proposed development satisfies all applicable policies and the development/Site Plan Agreement, the Holding provision should be removed so that development can proceed on the subject lands.

CONCLUSION:

Based on the above, the Zoning Amendment application for the removal of the Holding provision can be supported.

:JT
Attachs. (2)


N
11
9
7
5
3
400
374
12 Concession Rd. E.
385
353
326


N
Site of the Application
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

Subject Property
Part of Lot 4, Concession 11, (Flamborough)

BLOCK 1
Lands to remove the Holding 'H' provision from the Residential Mobile Home "R9-1" Zone

BLOCK 2
Lands to remain Residential Mobile Home "R9-1" Zone

BLOCK 3
Lands to remain Residential Mobile Home "R9-1 (H)" Zone

BLOCK 4
Lands to remain Conservation Management "CM" Zone

Filename/number
ZAR-01-44

Date
April 2, 2003

Technician
CL

Map Not to Scale

Appendix "A"

Authority: Item , Committee of the Whole
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended Respecting Lands Located at Part of Lot 4, Concession 11 (East Flamborough)

WHEREAS the City of Hamilton Act. 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Flamborough" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Flamborough).

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule “A-2” of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended by changing from the Residential Mobile Home Holding Zone “R9-1 (H)” to Residential Mobile Home Zone “R9-1” by removing the suffix “H” for those lands located on Part Lot 4, Concession 11 (formerly East Flamborough) more particularly shown on Schedule “A” which forms part of this By-law.

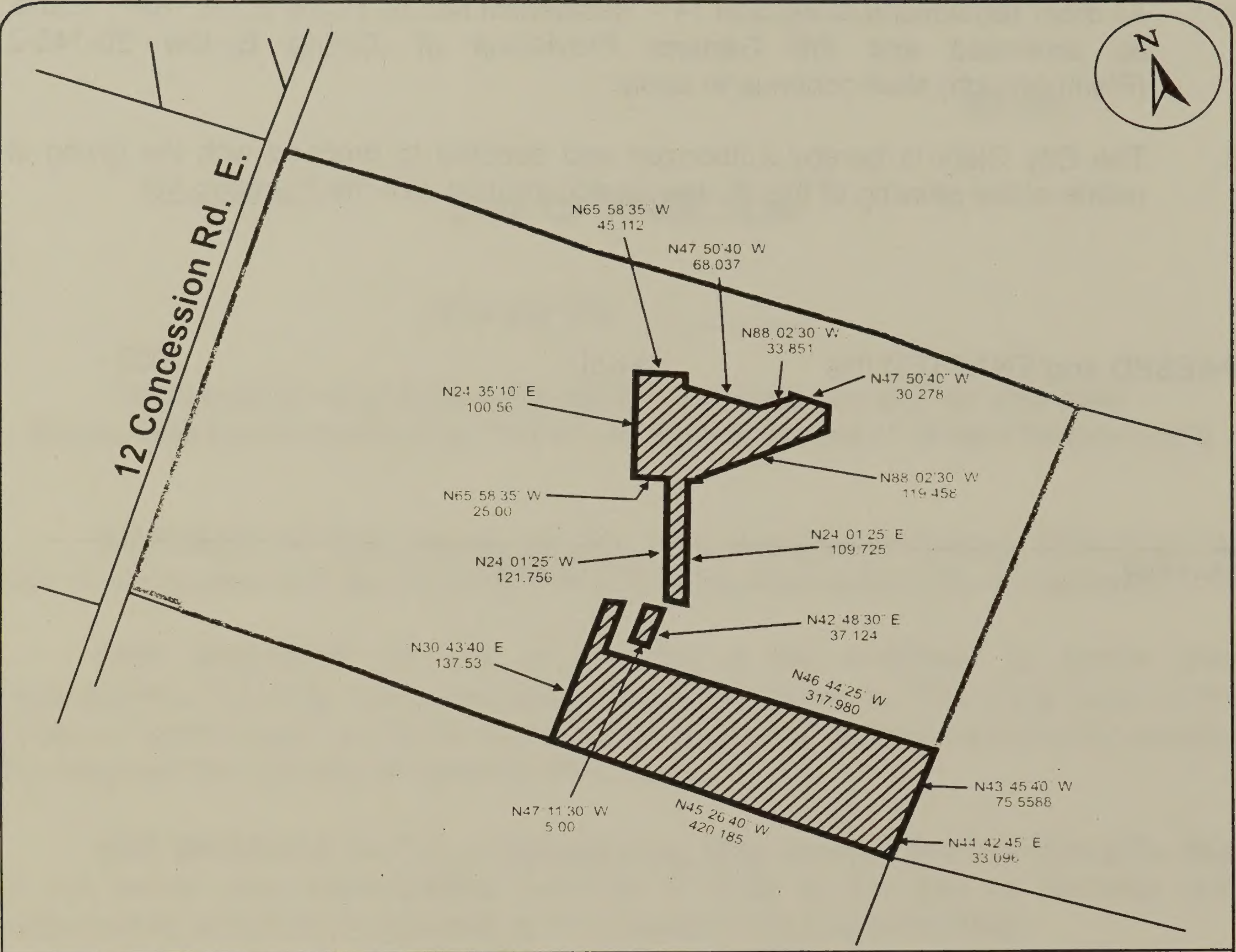
2. All other regulations of Section 14 – Residential Mobile Home Zone, “R9-1” Zone, as amended and the General Provisions of Zoning By-law 90-145-Z (Flamborough) shall continue to apply.

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2003 .

MAYOR

CLERK


N
12 Concession Rd. E.
N65 58 35" W
45 112
N47 50'40 W
68.037
N88 02'30" W
33 851
N47 50'40" W
30 278
N24 35'10" E
100 56
N88 02'30 W
119 458
N65 58 35" W
25 00
N24 01'25" E
109 725
N24 01'25" W
121.756
N42 48'30" E
37 124
N30 43'40 E
137.53
N46 44'25" W
317.980
N43 45'40 W
75 5588
N47 11'30" W
5 00
N45 26'40" W
420 185
N44 42'45" E
33 096

This is Schedule "A" to By-Law No. 03— ______________________ Clerk

Passed the day of ,2003 ______________________ Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03____
to Amend By-Law No 90-145-Z

Hamilton Planning and Development Department

LEGEND

☐ **Subject Property**
Part of Lot 4. Concession 11. (Flamborough)

▨ Lands to remove the Holding "H" provision
from the Residential Mobile Home "R9-1" Zone

North	Scale	Reference File No
	NOT TO SCALE	*ZAR-01-44*
	Date	Drawn By
	April 7, 2003	*CL*

AFFECTS
WARDS 4, 6
12, 13, and 14

CITY OF HAMILTON

4.12

PUBLIC WORKS DEPARTMENT
Waste Management Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 22, 2003	**Prepared by:**	Pat Parker Extension 5252

SUBJECT: Council Authorization for Clerk to Certify Persons with Authority to Administer a Grant from the Federation of Canadian Municipalities for the Organics Demonstration Project (PW03035) - (Wards 4, 6, 12, 13, 14)

RECOMMENDATION:

(a) The Clerk be authorized to certify the Incumbency and Authority schedule to the Agreement with the Federation of Canadian Municipalities; and

(b) The Director of Waste Management be authorized to approve the persons to be certified and advise the Clerk appropriately.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The City has received a grant from the Federation of Canadian Municipalities (FCM) to assist in the Green Cart organic demonstration project. The Agreement requires that the Clerk certify persons authorized to administer the Agreement. The purpose of this report is to request that Council authorize the Clerk to certify the Incumbency and Authority schedule to the Agreement with the FCM. It is also recommended that the Director of Waste Management be authorized to approve the persons to be certified to administer the Agreement, and to advise the Clerk accordingly.

BACKGROUND:

The City has received a Green Municipal Enabling Fund grant of $100,000 from the Federation of Canadian Municipalities (FCM) to assist in the Green Cart Project.

The agreement with FCM can be signed and administered by Waste Management staff. However, as part of the agreement with FCM, a form of Certificate of Incumbency and Authority is required to be signed by the City Clerk, who must be authorized by Council to do so.

Therefore the purpose of this report is to request that Council authorize the City Clerk to complete the Certificate of Incumbency and Authority required in the agreement with FCM.

ANALYSIS OF ALTERNATIVES:

The Agreement with the Federation of Canadian Municipalities includes a letter from the City Clerk, certifying the persons who will be authorized to:

- Sign the requests for contributions provided for in the Agreement,
- Sign the certificates provided for in the Agreement, and
- To take other action required or permitted under the Agreement

It is proposed that the persons authorized to carry out these activities will be Scott Stewart, the Director of Waste Management, and Beth Goodger, Manager of Solid Waste Planning. However it is not proposed that these names be specified in the recommendation, in the event that there is a change, so that further approval of Council is not required to certify other persons. Alternatively to facilitate processing of the Agreement conditions Council could authorize the Director of Waste Management to approve any change to this authority and that the Clerk certify any person approved by the Director of Waste Management for the purpose of administering the Agreement.

The alternative to this approach would be for Council or another Department (Clerk's or Finance) being certified to carry out the tasks above. This is considered to be impractical as all of the supporting documentation is related to the project work plan and will be produced by the Waste Management Division staff.

Therefore it is recommended that Council authorize the Clerk to certify the authorization described above. It is also recommended that the Director of Waste Management approve the persons to be certified to administer the Agreement.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Green Municipal Enabling Funds grant of $100,000 is significant to offset the cost of the Green Cart Project, and it is included in the 2003 Capital Budget.

POLICIES AFFECTING PROPOSAL:

The policies affecting this matter are those in the Solid Waste Management Master Plan. Specifically the Master Plan recommends:

Recommendation No. 6 – The City of Hamilton should adopt a three-stream waste collection system (recyclables, organics and residual garbage), commencing with a pilot test in 2002 to identify and resolve operational and implementation activities.

Recommendation No. 14 – The City of Hamilton should continue to lobby the federal and provincial governments to do everything in their power to support municipalities with waste management programs with appropriate legislation, funding and fiscal policy.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Waste Management staff has consulted with the Clerk's office to determine that the Clerk does not have the authority to certify the Incumbency and Authority letter without the approval of Council.

CITY STRATEGIC COMMITMENT:

The Green Municipal Enabling Funds grant contributes to the Corporate Vision of wise spending. It is also consistent with the values of fiscal responsibility and teamwork, and supports the goals of developing partnerships with other levels of government, supporting Vision 2020 and best practices and value.

The partnership with the Federation of Canadian Municipalities also complements the budget and business planning values of accountability and teamwork, wise spending and best value for taxpayer dollars.

CITY WIDE
IMPLICATIONS

CITY OF HAMILTON

4.13

PLANNING AND DEVELOPMENT DEPARTMENT
Parking and Enforcement Operations Section

Report to:	Mayor and Members Committee of the Whole	**Submitted by**:	Lee Ann Coveyduck General Manager
Date:	April 16, 2003	**Prepared by:**	Paul Buckle (2597)

SUBJECT: **Shoulder Flash Design for Uniformed Officers in Parking and Enforcement Operations (City Wide) (PD03102)**

RECOMMENDATION:

That the uniform shoulder flash designs attached as Appendix "A" to Report PD03102 be approved for use by Parking and Enforcement Operations uniformed personnel.

MH LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The City's assumption of responsibility for the delivery of Animal Control Services from the Hamilton/Burlington SPCA renders obsolete the SPCA shoulder flash currently in use and necessitates the adoption of a replacement shoulder flash identifying uniformed Animal Control Officers as employees of the City of Hamilton. Coincidentally, the introduction of a "dress" uniform for Municipal Law Enforcement personnel responsible for the enforcement of Parks, Roads and nuisance related by-laws, includes the provision of identifying shoulder flashes. As an unrelated matter, the existing Parking Control shoulder flash, depicting the "Hamilton-Wentworth" coat of arms, became obsolete with the incorporation of the "New" City and, therefore, the subject shoulder flash should be replaced with one that is representative of the amalgamated municipality. Finally, for the sake of consistency and to recognise the association between School Crossing and Parking and Enforcement Operations, it is also appropriate that the School Crossing Guard shoulder flash be replaced.

Consultation between uniformed enforcement personnel, supervisory and management staff within the Parking and Enforcement Operations Section has resulted in the development of the shoulder flash designs depicted in Appendix "A" to this report. It should be noted that minor variations to the subject shoulder flashes might be necessary to accommodate manufacturing requirements and to assure consistency between the flashes.

BACKGROUND:

On 01 January 2003, the City of Hamilton assumed responsibility for the delivery of Animal Control Services from the Hamilton/Burlington SPCA. Consequently, it is no longer appropriate for Animal Control Officers to wear SPCA shoulder flashes on their uniform shirts, jackets and winter coats.

The aforesaid assumption of Animal Control services included, as part of the business plan approved by Council on 12 December 2002, the implementation of numerous efficiencies. Not the least of these efficiencies was the operational association of Municipal Law Enforcement with the Animal Control function to provide for a more effective and correlative enforcement service. Coincident to this operational association was the introduction of a formal "dress" and an informal "field" uniform for Municipal Law Enforcement personnel.

The abolition of the Regional Municipality of Hamilton-Wentworth having made superfluous the "Hamilton-Wentworth" shoulder flashes worn by the City's Parking Enforcement Officers and the relationship between Parking and Enforcement Operations and School Crossing services each, respectively, call for the revision of the shoulder flashes used by these uniformed personnel.

Given that each of these mutually supportive uniformed enforcement and services groups operate under the jurisdiction of Parking and Enforcement Operations, it is therefore appropriate that an identifying shoulder flash indicative of their affiliation be implemented. Additionally, in view of the fact that Parking and Enforcement Operations is part of a City Department, it also seems fitting that any distinguishing insignia be readily associated in the minds of the constituency with the City of Hamilton. With these criteria in mind, Parking and Enforcement Operations management staff in consultation with the subject enforcement and services personnel, have developed the shoulder flashes attached hereto as Appendix "A".

The emblems employed on the proposed shoulder flashes include the "Shaded Maple Leaf" which depicts the six former constituent municipalities and which is similar to the maple leaf used by Hamilton Police and the Hamilton Emergency Services Department. Superimposed on the maple leaf is the traditional "Scales of Justice" silhouette currently used by the Ontario Association of Municipal Law Enforcement Officers as part of their insignia. Since School Crossing Guards are not members of the MLEO Association, the silhouette superimposed on shaded maple leaf forming a part of their shoulder flash will be the stylized "Crossing Guard" symbol.

It should be noted that both the Hamilton Police and the Ontario Association of Municipal Law Enforcement Officers, each having a proprietary interest in the "Shaded Maple Leaf" and the "Scales of Justice" silhouette, respectively, have granted permission to Parking and Enforcement Operations for use of "their" symbols.

The integration of these images is, in staff's view, entirely suitable. The "Shaded Maple Leaf" clearly identifies the subject Enforcement Officers and School Crossing Guards as employees of the City. The "Scales of Justice" silhouette establishes the status of enforcement personnel as Municipal Law Enforcement Officers and the stylized "Crossing Guard" symbol represents the service provided by the City's Crossing Guards.

To differentiate between staff enforcing regulations under Part II of the Provincial Offences Act and staff enforcing regulations under Parts I and III of the Act; the Parking Enforcement shoulder flash will read; "By-law Enforcement" and the Municipal Law Enforcement and Animal Control shoulder flash will read; "Municipal Law Enforcement". Both types of shoulder flash will utilise identical insignia and both will identify "Hamilton" as the jurisdictional corporate entity. School Crossing shoulder flashes will not use the "Scales of Justice" silhouette and will read "School Crossing" and "Hamilton".

ANALYSIS OF ALTERNATIVES:

No alternatives are proposed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

There are sufficient funds in the 2003 Animal Control and Municipal Law Enforcement budgets to facilitate the costs associated with the introduction of the shoulder flashes to be used by these groups.

For reasons of fiscal restraint, the introduction of the "By-law Enforcement" and "School Crossing" shoulder flashes will be "phased in" as old attire is replaced with new. Consequently, there will be a short period of time when both the old "Hamilton-Wentworth" flashes will be in service at the same time as the new "By-law Enforcement" flashes. Notwithstanding the "phase in" period, staff anticipates no significant confusion on the part of the public, as all other aspects of the Parking Enforcement and School Crossing uniforms will remain unchanged.

Staffing Implications

No staffing implications apply.

Legal Implications

No legal implications apply.

POLICIES AFFECTING PROPOSAL:

None.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Both the Hamilton Police and the Association of Municipal Law Enforcement Officers of Ontario have authorised Parking and Enforcement Operations to incorporate portions of their respective insignia in the development of the proposed shoulder flash.

CITY STRATEGIC COMMITMENT:

Health Impacts

None.

Social Impacts

None.

Environmental Impacts

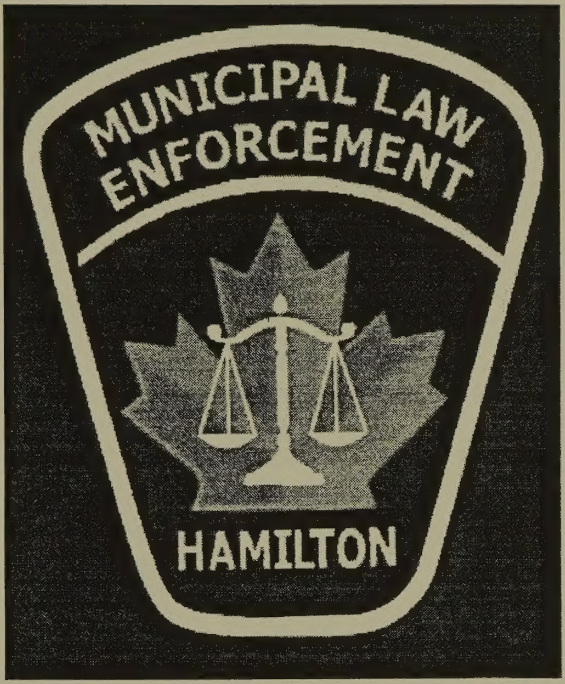
None.

Economic Impacts

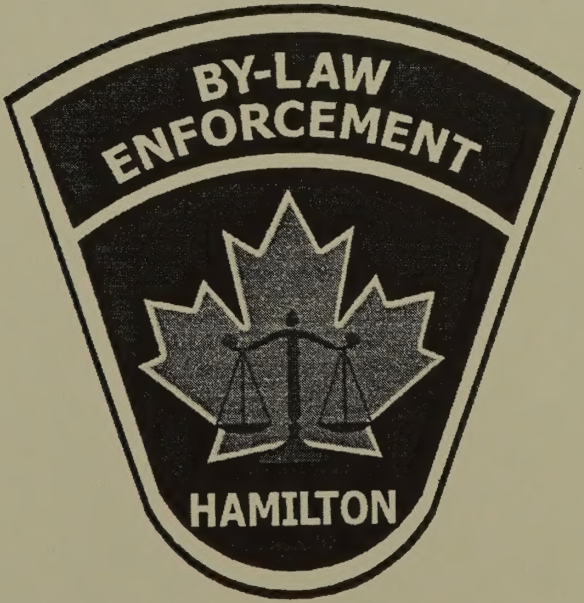
None.

PDB/MBH/

Appendix "A" to Report PD03102


MUNICIPAL LAW
ENFORCEMENT
HAMILTON

Shoulder Flash proposed for Municipal Law Enforcement and Animal Control Officers


BY-LAW
ENFORCEMENT
HAMILTON

Shoulder Flash proposed for Parking Enforcement Officers

Note: Flashes may be modified slightly to accommodate manufacturing, cost and uniform requirements

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

5.1

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	April 16, 2003	**Prepared by:**	John Spolnik (905) 546-2574 Randy Charlton (905) 643-1262 Ext. 314 Doug Rose (905) 546-4586 Judy Downey (905) 540-6108

SUBJECT: Property Standards By-Law and Back Yard By-Law (PD03107) (City Wide)

RECOMMENDATION:

(a) That the following Property Standards By-Laws be repealed.

(i)	By-Law No. 98-243	(Hamilton)
(ii)	By-Law No. 79-115	(Ancaster)
(iii)	By-Law No. 4478-99	(Dundas)
(iv)	By-Law No. 80-111-P	(Flamborough)
(v)	By-Law No. 505-94	(Glanbrook)
(vi)	By-Law No. 4239-95	(Stoney Creek)

(b) That the harmonized Property Standards By-Law attached as Appendix A to Report PD03107 be enacted.

(c) That the following Back Yard By-Laws be repealed.

(i)	By-Law No. 89-35	(Hamilton)
(ii)	By-Law No. 571-99	(Glanbrook)
(iii)	By-Law No. 3201-90	(Stoney Creek)

(d) That the harmonized Back Yard By-Law attached as Appendix B to Report PD03107 be enacted.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

This report outlines the process undertaken to establish the proposed harmonized Property Standards By-Law and the Garbage and Debris By-Law for the City of Hamilton. It outlines areas of concern specific to the urban and rural character of the City, which have been addressed and incorporated in the proposed By-Laws, and reflects new legislation passed by the Province of Ontario.

BACKGROUND:

Property Standards

The condition and longevity of all property, buildings and their surrounding grounds depend largely on adequate maintenance and the intensity of use or occupancy. The maintenance and occupancy of property are foremost in order to assure an attractive neighbourhood, community and personal environment. When property is neglected, deterioration often leads to it becoming a public liability, not just private misfortune. Property blight causes a weakening of the community's ability to operate productively and effectively for its citizens. Unless a municipality undertakes renewal action or remedies such as a Property Standards By-Law, the tax base can erode, costs of servicing increases, the economy declines and the population usually suffers. The enforcement of a Property Standards By-Law can help prevent this situation.

Unfortunately, there are many instances where homeowners, landlords and owners of commercial and industrial establishments do not make the necessary efforts to maintain their property adequately. Since property maintenance has a significant effect on the entire community, it then becomes the task of the municipality to ensure that appropriate maintenance of all properties within its jurisdiction is carried out by all owners in an acceptable manner and degree. Acceptable standards have been translated into the proposed City of Hamilton Property Standards By-Law, which is attached to this report as Appendix "A".

Currently, six separate and different Property Standards By-Laws exist in the former municipalities, which govern the respective geographical areas of the amalgamated municipalities that now make up the City of Hamilton.

In order to facilitate effective and uniform enforcement of minimum property standards throughout the City of Hamilton it was necessary and expedient to harmonize each former municipality's individual by-law into one comprehensive by-law. Staff reviewed all of the existing Property Standards By-Laws and incorporated the best and most proven portions of the existing by-laws. Staff has updated existing requirements to reflect current needs and incorporated provisions necessary to address the varying urban and rural situations that are particularly specific to areas of the City. The following is an outline highlighting some of the new provisions contained in the by-law:

- Requires ground cover in order to improve the appearance of a property, including vacant property, and to control erosion.

- Requires water in any privately owned swimming pool to be kept clean and in a sanitary condition, free from obnoxious odours and conditions likely to create a breeding environment for insects.
- Requires boarding of vacant buildings open to trespass for security against risk of fire and accident.
- Has provisions requiring the disconnection of utilities from buildings vacant for more than 90 days for added security against risk and accident.
- Requires a heating system that is capable of supplying during normal hours of occupancy of the building, sufficient heat to maintain a temperature of not less than 22° Celsius (72° Fahrenheit), except for spaces exempted by the Building Code.
- Has provisions controlling the location of garbage storage and requiring the visual shielding of commercial garbage containers to improve the aesthetics of a neighbourhood.
- Has requirements for screens on residential windows to prevent the entrance of insects and vermin and thereby assisting in providing a healthy living environment.
- Requiring increased minimum interior and exterior lighting requirements to provide for improved security and safe passage.
- Controls illumination spilling onto an adjacent property, to limit interference with the use of the adjacent property, streets and highways to address growing concerns in residential areas and improve one's personal living environment.
- Specifying requirements for the protection of abandoned wells, cisterns, privy vaults, pits, etc. to address concerns commonly associated with rural properties.
- Addresses farm equipment that is not in use, and includes equipment that is not operational or in need of repair.

The proposed By-law will provide an effective and functional tool for regulating the maintenance and occupancy of all properties within the City of Hamilton.

Garbage and Debris By-Law (Yard By-Law)

The proposed By-Law provides for maintaining land in a clean and clear condition and is known as the Yard By-Law and which is attached to this report as Appendix "B".

During the review process of the yard by-laws for the former municipalities, the City of Hamilton By-Law No. 84-35 was used as the model and was combined with essential portions of the existing by-laws from the former amalgamated municipalities. The proposed yard by-law incorporates the best and proven portions of the existing by-laws. It addresses both the rural and urban concerns of the City, and will replace the existing by-laws of the former municipalities. The by-law regulates and controls the illegal dumping of refuse, domestic and industrial waste and provides for the removal of these materials, and the maintenance of yards. Regulations were incorporated into the By-Law to address issues related to graffiti, garbage and debris, dust control, animal waste and long grass. The by-law stipulates that grass on a property must not exceed eight inches in height. It has been established that it is necessary to ensure that grass on a property does not exceed the prescribed height to ensure the safety of persons and property and inhibit the harbouring of vermin and rodents.

Enforcement of the by-law normally commences as a result of a complaint, originating from a citizen, councillor or interdepartmental request. Violators will be given an opportunity to comply or face legal action and/or possible removal charges as a result of non-compliance with the by-law. Staff will be applying to the Office of the Attorney General in order to implement a fine structure with short form wording derived from the prohibitions of the proposed by-law. The by-law provides for quicker enforcement times than does the Property Standards By-Law, which allows for an appeal to be heard by the Property Standards Committee pursuant to the requirements to the Building Code Act.

ANALYSIS OF ALTERNATIVES:

The proposed by-laws provide harmonized and consistent enforcement throughout the City as opposed to enforcing each of the former municipality's by-laws which existed prior to amalgamation.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – It is imperative to note that with the passing of a new Property Standards and Yard By-Laws, significant staff input will be necessary in order to continue the use of the automated document creation process within the Department computer program, Amanda. It will be necessary to re-write new standard sentences for altered requirements of the by-law and to re-number all sentences to coincide with the new section numbers of the by-law. Further all of these changes will have to be entered into Amanda. This is a process that will require a considerable amount of time and at present there are a limited number of persons with the ability to carry out this task

Staffing – Is budgeted for complaint driven response only.

Legal – Authority for the by-laws is found in the Municipal Act as indicated in the recitals to the by-laws, and in the case of the Property Standards By-law, authority includes the Building Code Act. The by-laws contain provisions which affect advertising devices, and pursuant to the Municipal Act, Council must approve that notice has been given prior to the passage of the by-laws, of Council's intent to enact the by-law which has some effect on advertising devices. Including the provisions affecting advertising devices, the by-laws contain regulation which has some effect on expressive rights protected under the constitution. In certain situations where protected rights are raised, the City may be required to establish that the content does not affect protected rights of expression, or where such rights are affected, establish that the effect is minimal and justified. Where such circumstances arise, Council may also consider narrowing or varying the content of by-law.

POLICIES AFFECTING PROPOSAL:

The proposed harmonized by-laws will allow staff to enforce the by-laws consistently throughout the entire City.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Legal Services worked with staff throughout this process to establish the attached Property Standards By-Law and the Yard By-Law. Public meetings were held in November 2002 to provide an opportunity for citizens to comment and express concerns respecting the proposed by-laws. Staff also reviewed by-laws from other municipalities in rural and urban settings to ensure all issues were addressed in addition to the review of the existing By-Laws in the former municipalities of the amalgamated City.

CITY STRATEGIC COMMITMENT:

The proposed by-laws will serve to protect the health and safety of the public, and the maintenance of dwellings and structures and their surrounding lands in their physical environment, which includes the neighbourhoods and communities of the entire City.

:jd
Attachs. (2)

cc: Legal Services Division

THE CITY OF HAMILTON

BY-LAW NO. 03-

PROPERTY STANDARDS BY-LAW

Being a by-law to prescribe standards for the maintenance and occupancy of property, to provide for the enforcement of the standards and to appoint a property standards committee.

WHEREAS Council of the City of Hamilton deems it desirable to establish standards for the occupancy and maintenance of certain buildings and properties, so that owners and occupiers provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of buildings and properties;

AND WHEREAS the City of Hamilton Act 1999, Statutes of Ontario, 1999 Chapter 14, Schedule C, did incorporate as of January 1, 2001, the municipality the "City of Hamilton";

AND WHEREAS the City of Hamilton is successor to the former area municipalities of: The Corporation of the Town of Ancaster, The Corporation of the Town of Dundas, The Corporation of the Town of Flamborough, The Corporation of the Township of Glanbrook, The Corporation of the City of Hamilton, and the Corporation of the City of Stoney Creek, which may be referred to in this by-law collectively as the "former area municipalities";

AND WHEREAS the City of Hamilton Act 1999 provides that the by-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton, and each of the former area municipalities have official plan policies respecting property conditions and standards, and by-laws establishing property standards;

AND WHEREAS it is intended to repeal and replace the property standards provided in each of the former area municipalities, and enact new minimum standards applicable across the entire City of Hamilton area while providing for the continuation of unsatisfied orders previously issued by the former area municipalities;

AND WHEREAS Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 contains the jurisdiction for Municipalities to pass By-laws prescribing standards for the maintenance and occupancy of property;

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 provides for the establishment of a Property Standards Committee;

AND WHEREAS fees and charges may be imposed under the authority of the Municipal Act, S.O. 2001, c. 25, as amended, section 391, and the Building Code Act, S.O. 1992, c. 23, as amended, in particular section 15.5;

AND WHEREAS it is deemed necessary and expedient to enact a By-law prescribing minimum standards for the maintenance and occupancy of property, to adopt a set of administration procedures and to appoint a Property Standards Committee;

AND WHEREAS Council considers that reasonable notice of the by-law has been given, including notice of and the holding of a meeting on November 21, 2002 for public comment and consultation, pursuant to section 251 of the Municipal Act, S.O. 2001, c. 25, as amended;

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

SHORT TITLE

1. This by-law may be cited as the “Property Standards By-law”.

DEFINITIONS

2(1) In this by-law:

(a) “basement” shall mean that portion of a building between two floor levels, which is partly underground and which has at least one-half its height from finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building;

(b) “building” means any structure used or intended to be used for supporting or sheltering any use or occupancy;

(c) “Building Code” means the Building Code Act and any regulations made under that Act;

(d) “cellar” shall mean that portion of a building between two floor levels, which is partly under ground and which has more than one-half its height from finished floor to the underside of the first floor joists below the average finished grade level adjacent to the exterior walls of the building;

(e) “City” means the municipality the “City of Hamilton.”, or the geographic boundaries of that municipality, as the context requires;

(f) “committee” means The Property Standards Committee established under this By-law;

(g) "debris" includes but is not limited to garbage, rubbish, refuse, or wrecked, decayed, dilapidated, or inoperative vehicles or machinery, and parts thereof;

(h) "dwelling" means a building, structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair;

(i) "dwelling unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions and includes cooking, eating, sleeping, and sanitary facilities;

(j) "farm" means an agricultural operation as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, and includes such an operation that is not carried on with the expectation of gain but otherwise meets the definition in that Act;

(k) "guard" means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it;

(l) "habitable room" means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof;

(m) "heating appliance" means a device to convert fuel into energy and includes all components, controls, wiring, and piping required to be part of the device by the applicable standard referred to in the Building Code;

(n) "inoperative vehicles or machinery" means such items that are unable to operated as a result of being dismantled, broken or incomplete, decayed or dilapidated, and in particular includes vehicles with missing wheels, tires, body components, or windows;

(o) ‘multiple dwelling” means a building containing three or more dwelling units;

(p) “non-habitable room” means any room or space in a dwelling, or dwelling unit, other than a habitable room and includes a washroom, bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room, garage, or space for service and maintenance of any building for public use and for access to and vertical travel between stories;

(q) “occupant” means any person or persons over the age of 18 years in possession of the property;

(r) “occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

(s) “officer” means a property standards officer who has been assigned or appointed by the City as a property standards officer to either administer or enforce this by-law and includes a building inspector for the City;

(t) “owner” includes the owner in trust, a mortgagee in possession, the person for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

(u) “property” means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected, and includes vacant property;

(v) “protective device” means any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner;

(w) “repair” includes the provision of such facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this by-law;

(x) "residential property" means any property that is used or is capable of being used as a dwelling, two-unit dwelling or multiple dwelling, and includes any land or buildings that are appurtenant to such establishment including but not limited to all steps, walks, driveways, parking spaces, fences and yards;

(y) "retaining wall" means a structure that holds back soil or loose material to prevent it assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs;

(z) "sanitary sewage" means liquid or water borne waste:

  (i) of industrial or commercial origin, or

  (ii) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste;

(aa) "storm sewage" means water that is discharged from a surface as a result of rainfall, snowmelt, snowfall or other precipitation;

(bb) "sewage system" means the City of Hamilton system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the City of Hamilton;

(cc) "suite" means a single room or series of rooms of complementary use, operated under a single ownership or occupancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies;

(dd) "visual barrier" shall mean a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material; and

(ee) "yard" means the land within the boundary lines of the property and not occupied by the principal building.

2(2) Where this by-law provides both metric and imperial measurement for the same item, the imperial measurement is provided for convenience only and is approximate.

SCOPE

3(1) No owner or occupant of property shall use, occupy, or allow, permit or acquiesce in the use or occupation of the property unless such property conforms to the standards prescribed in this By-law.

3(2) No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this by-law.

3(3) The owner of any property which does not conform to the standards in this by-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, debris or refuse and shall leave the property in a graded and leveled condition.

3(4) This by-law does not apply so as to prevent a farm meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.

GENERAL STANDARDS FOR ALL PROPERTIES

4. Except as may otherwise be specified in the sections, the standards, obligations and requirements in sections 5 through 22 both inclusive apply to all property.

STRUCTURAL STANDARDS

5(1) Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal or permitted use, and having a factor of safety as required by the Ontario Building Code.

5(2) All exterior surfaces of buildings, structures, fences and retaining walls, including mobile structures and buildings, shall be of materials which resist deterioration by the weather or have resistant coatings applied to them, except that a non-residential farm building or structure may have unprotected wood surfaces.

5(3) The exterior walls, chimneys, roofs and other parts of buildings, structures, fences and retaining walls, including mobile structures and buildings on the property shall be free from loose or insufficiently secured, rotten, warped or broken materials and objects. Such materials and objects shall be removed, repaired or replaced.

VACANT BUILDINGS

6(1) Where any building is vacant or unoccupied, the owner shall protect such building against the risk of accident or intentional damage to the property, or such damage as may be caused to other properties, arising from the entry of unauthorized persons to the building, by effectively preventing entrance by unauthorized persons.

6(2) For the purpose of subsection (1) doors, windows, hatches and other openings through which entry may be obtained are required to be kept in good repair and secured from unauthorized entry, or entry shall be prevented by closing and securing the opening with:

(a) boarding which completely covers the opening with at least 12.7mm (0.5 in.) weatherproofed sheet plywood securely fastened to the building;

(b) rigid composite panels, securely fastened to the building;

(c) Sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;

(d) Brick and mortar securely fastened to the building; or

(e) Concrete blocking and mortar securely fastened to the building.

6(3) The options available in 6(2) shall be considered progressively more secure with (e) being the most secure, and the minimum standard imposed by subsection 6(2) shall be considered not to include the use of a less secure option which has, more than once, failed to exclude unauthorized entry, and further where the owners control, attendance or lack of security measures to protect the property suggest a more secure option be used, then the owner shall supply such measure including such improved security of closures as may be necessary beyond the options listed in subsection 6(2).

6(4) Where a building remains vacant for a period of more than ninety (90) days, the owner shall ensure that all utilities serving the building, which are not required for the safety or security thereof, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent property.

DAMAGED BUILDINGS

6(5) Where a building is damaged by accident, storm, neglect or other causes or intentional damage, the owner shall protect the building against further risk of further damage, accident or other danger, and shall effectively prevent entrance thereto by all unauthorized persons, by closing and securing opening to the building with:

(a) boarding which completely covers the opening with at least 12.7mm (0.5 in.) weatherproofed sheet plywood securely fastened to the building;

(b) rigid composite panels, securely fastened to the building;

(c) Sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;

(d) Brick and mortar securely fastened to the building; or

(e) Concrete blocking and mortar securely fastened to the building.

6(6) The options available in 6(5) shall be considered progressively more secure with (e) being the most secure, and the minimum standard imposed by subsection 6(5) shall be considered not to include the use of a less secure option which has more than once failed to exclude unauthorized entry, and further where the owners control, attendance or lack of security measures to protect the property suggest a more secure option be used, then the owner shall supply such measure including such improved security of closures as may be necessary beyond the options listed in subsection 6(5).

6(7) The exterior walls and other surfaces of the building shall have smoke damage or other defacement removed and the surfaces refinished.

6(8) Any such work required under this section and section 7, shall be done in compliance with the Building Code, other applicable codes and by-laws, including but not limiting the generality of the foregoing, in compliance with the requirement for obtaining building or demolition permits, and with the by-laws applicable to demolition and clearing of property.

FIRE DAMAGED BUILDINGS

7(1) Subject to subsection (3), fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the property.

7(2) Subject to subsection (3), the owner of the fire-damaged building shall restore the building to meet the requirements of Sections 5,6,7, and 8 of the said by-law.

7(3) When the fire-damaged building or part is occupied again for other than the purpose of repair, the condition of the building and property shall be brought into compliance with all applicable sections of this by-law.

EXTERIOR WALLS AND ROOFS

8(1) Exterior walls and their components shall be maintained so as to prevent their deterioration and shall be so maintained, by the painting, restoring or repairing of the walls, coping or flashing or by the waterproofing of joints and of the walls themselves.

8(2) Exteriors of buildings shall be:

(a) kept weather resistant through the use of caulking and other appropriate weather resistant materials, and

(b) be maintained to prevent the entry of vermin and birds.

8(3) A roof including the fascia board, soffit, cornice and flashing shall be maintained in a weather-tight condition, and able to prevent the leakage of water into the building.

8(4) All structural components of a roof shall provide adequate support for all design loads, and form a suitable base for the roof covering, and where the roof is subjected to a load for which it may not be adequate the roof shall be cleared of the load to prevent collapse or structural damage.

8(5) Exterior walls and their components shall be repaired of vandalism or other damage, including keeping them free of defacements by paint, inscription or other markings and the repair of broken windows.

8(6) Exterior walls of a building or structure, and their components shall be maintained so as to be free of posters:

(a) which are for the giving of notice for an event that has already occurred, or where the message contained is not readable due to damage or deterioration to the poster or its content, or

(b) which are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter.

8(7) Pursuant to the Municipal Act, S. O. 2001, c. 25 as amended, the cost of removal of posters by the City is collectable against the owner of the advertising device under the terms of the said Municipal Act notwithstanding the other content of this by-law.

DOORS AND WINDOWS

9(1) Windows, skylights, exterior doors and frames, basement or cellar hatchways and attic access doors shall be maintained in good repair and shall be of such construction so as to minimize drafts and heat losses through the infiltration of outside cold air.

9(2) Rotted or damaged doors, door frames, window frames, sashes and casings, weather-stripping, caulking, broken glass and missing or defective door and window hardware shall be repaired or replaced.

FOUNDATIONS AND BASEMENTS

10(1) The foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.

10(2) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

10(3) Every building, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, or other material acceptable for construction under the provisions of the Building Code and shall be sound, reasonably plumb, and adequate to carry the loads imposed on them.

STAIRS, BALCONIES, PORCHES AND OTHER PLATFORMS

11(1) Interior and exterior stairs, landings, balconies, porches and any other means of access shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards. Treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

11(2) Handrails shall be installed and maintained in good repair on all exterior stairs which have more than 3 risers and on all interior stairs within dwelling units which have more than 2 risers.

11(3) Handrails shall be located between 810mm (32 inches) and 920mm (36 inches) measured vertically above a line drawn through the outside edges of stair nosings.

11(4) Handrails will be provided on both sides of stairs when the width of the stairs is greater than 1100 mm (43 inches).

11(5) Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than for maintenance purposes, shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 610 mm (24 inches), and every exterior stair with more than six risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 610 mm (24 inches).

11(6) Except for existing guards that have been maintained in good condition and are a minimum height of 900 mm (33 inches) all guards, including those that are required to be replaced due to their deteriorated condition or to be installed under subsection (5), shall be constructed in accordance with the Ontario Building Code and all such guards shall be maintained in good repair at all times.

INTERIOR STRUCTURE & FLOORS

12(1) In every building all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

12(2) Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Building Code, to ensure water drainage and to guard against the entry of vermin.

12(3) Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.

12(4) Where floors have been covered with sheet or vinyl floor coverings or other flooring that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet or other flooring shall be repaired or replaced.

12(5) Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material.

12(6) Every wall and ceiling shall be maintained in a condition free from holes, open cracks, loose coverings or other substantial defects.

RUBBISH AND DEBRIS

13(1) Every property shall be kept free from garbage, rubbish, debris or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard.

13(2) Every building shall be provided with sufficient proper receptacles to contain all garbage, debris or rubbish which accumulates on the property, and such materials shall be placed for collection in proper receptacles in compliance with applicable laws and by-laws, and not allowed to accumulate for longer than ten days.

13(3) Every unenclosed porch or unenclosed balcony, and every exterior or interior hallway, stairway and common area shall be kept free of garbage, debris, furniture or appliances, except furniture which is outdoor grade or made weather and water resistant may be placed for use on balconies or porches.

13(4) Receptacles for garbage shall be:

(a) made of watertight construction

(b) provided with a tight fitting cover, which may be removed only when the receptacle is empty or is being actively loaded;

(c) maintained in good condition without holes or spillage; and

(d) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or debris.

13(5) Plastic bags shall be considered acceptable receptacles under subsection (4) above provided they are:

(a) adequately secured so as to prevent spillage;

(b) not stored outdoors unless protected from access by animals or vermin; and

(c) otherwise are maintained in compliance with (4) above.

13(6) Paper receptacles are not acceptable under this section, except only where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection by-laws.

13(7) Where commercial or on site garbage containers are visible from a public street or land, or the subject site abuts residential properties, the area where the receptacles are stored shall be enclosed on all sides by wall or solid fence not less than 1.8 meters (6 feet) high, such wall or fence containing an adequate door or gate to allow for the removal of garbage or refuse.

13(8) Where an exterior bulk or roll-off container disposal system is used, it shall:

(a) be equipped with covers or similar devices which shall be readily operable but not left open except when actively being loaded;

(b) be large enough to contain all refuse generated between collections by the occupants served;

(c) not be loaded beyond the top of the container.

13(9) Receptacles for garbage, recyclable materials, and containers for recyclable materials shall not be stored in a front or side yard, except:

(a) proper receptacles may be placed out for collection, provided they are placed out in the time and manner that is in compliance with municipal by-laws; and

(b) commercial properties that maintain receptacles for use by the public entering the property, may have recycling or garbage receptacles in the front yard, if they are regularly emptied into proper containers or receptacles and any spillage is removed.

PLUMBING SYSTEM

14(1) The plumbing system in every building shall be maintained in good working order and free from leaks and defects.

14(2) All water pipes and appurtenances thereto shall be protected from freezing.

14(3) All plumbing fixtures shall be connected to the sewage system through water seal traps.

14(4) Every dwelling and every building to which water is available under pressure through piping shall be provided with:

(a) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and

(b) piping for cold water connected to every toilet and hose bib.

KITCHEN FACILITIES

15. Every kitchen shall contain an area equipped with a sink, served with potable running water, storage facilities, a work area, and space for a stove and refrigerator and all areas and spaces shall be maintained in a good state of repair.

HEATING SYSTEMS

16(1) Except for spaces exempted by the Building Code, a heating system shall be installed that is capable of supplying during normal hours of occupancy of the building sufficient heat to maintain a temperature of not less than 22° Celsius (72° Fahrenheit) at the outside design temperature specified in the Building Code.

16(2) For the purposes of subsection (1), heat shall be provided and maintained so that the room temperature at 1.5 meters (5 feet) above floor level and 1 meter (39 inches) from exterior walls in all habitable space and in any area intended for use by occupants including recreation rooms and laundry rooms but excluding locker rooms and garages, is at least 20° Celsius (68° Fahrenheit).

16(3) The heating system and all mechanical equipment associated with building services shall be operated and maintained:

(a) in good working order;

(b) free from unsafe conditions; and

(c) in accordance with the requirements of the Building Code.

16(4) A heating appliance shall not be located in corridors, hallways or other means of egress.

16(5) Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.

16(6) Any heating system or part thereof or any auxiliary heating system that is designed to burn solid or liquid fuel shall be provided with a properly constructed receptacle for fuel storage or a place for storage located so as to be free from fire or accident hazard.

16(7) Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into a building and the maintenance shall include cleaning the flue of obstructions, filling open joints and repairing masonry.

16(8) Any fuel burning heating equipment used in a building shall be properly vented to the outside air by means of a Canadian Standards Association approved or Building Code compliant smoke pipe, vent pipe or chimney.

ELECTRICAL SERVICES

17. The capacity of the electrical connection to a building and the system of circuits and electrical outlets distributing the electrical supply within the building shall be:

(a) adequate for the intended use; and

(b) maintained at all times,

(i) free from unsafe conditions ; and

(ii) in accordance with the requirements of the Ontario Electrical Code.

LIGHTING

18(1) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in good working order.

18(2) All hallways, stairs, common areas and underground parking areas shall be illuminated so as to provide safe passage.

18(3) Facilities for lighting, including flood lighting required as a condition of site development or redevelopment, shall be maintained in a good state of repair and in accordance with the recommended horizontal illuminance as set out under the I.E.S. Lighting Handbook (2000).

18(4) Subject to subsection 18(5) below, outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained so as to prevent or block direct illumination of the interior of a dwelling on adjacent property regardless of whether such dwelling has or may have shades, drapes or other interior window coverings.

18(5) Subsection 18(4) above:

(a) does not apply to lighting located by a road authority,

(b) does not apply to property owned or occupied by a municipal, provincial or federal government or authority,

(c) does not require light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted, but may require the re-direction, movement or the placing of shades or barriers to comply with the standards in this section,

(d) does not require that an illuminated outdoor advertising sign on the premises of a business to be turned off any time the business is open to the public, but may require the re-direction, movement or the placing of shades or barriers to comply with the standards in this section, or

(e) does not require light fixtures used to illuminate any area for emergency, security or public safety purposes to be turned off any time the illumination is necessary for those purposes, but may require the re-direction, movement or the placing of shades or barriers to comply with the standards in this section.

YARDS/ PARKING LOTS/ VACANT PROPERTY

19(1) Yards shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard or an unsafe condition.

19(2) A well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed, or secured by a fence, cover or netting, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required above.

19(3) The water in any privately owned swimming pool shall be kept clean and in a sanitary condition free from obnoxious odours and conditions likely to create a breeding environment for insects.

19(4) Storage, salvage, and scrap yards, whether licensed or not, shall be effectively screened from all other property or streets by a visual barrier and materials or matter of any kind stored or located in such yards shall not be piled within 1 meter (39 inches) of such visual barrier, unless such visual barrier is capable of sustaining any horizontal load which may be imposed upon it by the stored materials without collapsing or leaning over adjacent property.

19(5) All yards shall be provided with suitable ground cover to prevent instability and erosion of the soil.

19(6) Grass shall be kept trimmed to no more than 20.32 centimeters (8 inches) in height or the vegetation on lawns and yards otherwise maintained in compliance with section 3 of the Yard Waste and Maintenance By-law of the City of Hamilton, and all other growth, plantings and hedges shall be kept trimmed so as not to encumber or encroach upon public sidewalks, private walks and driveways, and further every yard and vacant property shall be kept free of noxious weeds as provided by the Weed Control Act.

R.S.O. 1990, Chapter W.5 and amendments thereto and the regulations or by-laws made thereunder.

19(7) Trees or parts thereof that have expired shall be removed or maintained in a condition which is not hazardous to persons expected to be on or about the property.

19(8) Concrete wheel stops shall be installed where parking spaces are adjacent to a property line to protect fences and neighbouring properties from physical damage.

19(9) Areas used for vehicle traffic and parking shall be paved with bituminous, concrete or equivalent surfacing or shall be surfaced with crushed stone or other suitable and reasonably dust free substance, and shall be maintained in good repair.

19(10) Stone surfaces shall be maintained free of dust and spillover onto sidewalks and grass surfaces.

19(11) Notwithstanding subsections 13(1) and 19(1) above, a farm meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, may store agricultural equipment in a yard provided:

(a) the equipment is stored within a building; or

(b) if the equipment is outdoors, it is:

(i) placed or arranged so as not to create a safety or health hazard to persons on the property, and in particular does not block emergency access to or from the property;

(ii) within an area enclosed by a fence, wall or other solid structure including a hedge at least 2 meters (6.5 feet) high, or some combination of those enclosures, with not more than three access points for entry or exit from the area; and

(iii) set back from the property lines by at least 122 meters (400 feet).

19(12) For the purpose of subsection (11) above, "store" and "stored" in relation to farm equipment means equipment that is not is use, and includes equipment that is not operational or in need of repair.

WALKS AND SAFE PASSAGE

20(1) There shall be a walk leading from the principal entrance of every building to the street. Such walks may lead to a driveway or hard surfaced area provided such driveway or area leads to a street.

20(2) The surfaces of steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under their normal use.

SEWAGE AND DRAINAGE

21(1) Sanitary sewage shall be discharged into the municipal sanitary sewer where such a system exists, and where a municipal sanitary sewer does not exist, the sewage shall be disposed of in a manner in accordance with the Building Code requirements for on-site sewage systems.

21(2) Roof drainage or discharge from a sump pump shall not be permitted to discharge on a sidewalk, stairs, neighbouring property, or a street.

21(3) Storm water shall be drained from a yard so as to eliminate recurrent standing water or surface ponding, and such drainage shall be controlled, directed or limited so as to prevent the entrance of water into a basement or cellar on the property or adjoining properties basements or cellars.

21(4) Condensation from air conditioners shall not be permitted to discharge onto the sidewalk or street.

21(5) Eavestroughs and downspouts shall be maintained:

(a) watertight and free from leaks,

(b) in good working order, and free from any obstructions, and

(c) in a stable condition and shall be securely fastened to the structure.

FENCES, BARRIERS, RETAINING WALLS AND SIGNS

22(1) Fences, barriers, retaining walls and signs shall be kept in good repair, and subject to subsection (6) below shall be maintained in compliance with the requirements of this section.

22(2) Fences, barriers, retaining walls and approved enclosures shall be kept free from posters not in compliance with subsections 8(5) and 8(6) above.

22(3) The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain a visual barrier not less than 1.2 meters (4 feet) and not more than 2.0 meters (78 inches) in height where such property is used for the parking, access, and exiting of vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the enjoyment and good appearance of an abutting residential property.

22(4) Despite Section 22(3), no visual barrier shall be required within three meters (117 inches) in distance from a front lot line or in contravention of the applicable zoning by-law.

22(5) Sign faces and their structures shall be maintained without any visible deterioration of the sign or its structure.

22(6) Where a local zoning by-law, site plan or subdivision agreement entered into under the provisions of the Planning Act, R. S .O. 1990, c. P.13 provides for a different maximum height for fencing, the height of the fence may be higher than required in this section provided it is in compliance with such zoning by-law or agreement.

ADDITIONAL RESIDENTIAL STANDARDS

23. The standards, obligations and requirements in sections 24 through 35 both inclusive, apply to all residential property.

WEATHER PROOFING

24. Every exposed ceiling or exterior wall of a residential building when opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with the Building Code.

SECURITY

25(1) All opening windows shall have hardware so as to be capable of being locked or otherwise secured from the interior of the space.

25(2) All exterior doors and the entrance door to a dwelling unit, shall have hardware so as to be capable of being locked from the outside, and locked or otherwise secured from the interior of the space.

25(3) Every lock on a building that is designed to be unlocked with a key or key and combination shall be maintained in good working order or shall be repaired or replaced.

25(4) The owner of a multiple dwelling, upon the written request of an occupant of the dwelling unit in which children under the age of ten years are occupants, shall subject to subsection (5) below, provide and install a protective device on any window that,

(a) has a moveable sash, and

(b) is more than 1.8 meters (6 feet) above adjacent finished ground level.

25(5) The protective device shall be installed within seven days of the delivery of the written request upon the building owner, the owner's agent or the building's manager or superintendent, provided that such person and the occupant giving notice may agree that the protective device is not required on every such window that meets the requirements of subsection (4) above.

25(6) The protective device shall be installed and secured in such a manner as to prevent opening of the window(s) to any amount greater than 100 millimeters (4 inches).

25(7) The owner of a building containing ten or more dwelling units shall post or display or cause to be posted or displayed and shall maintain or cause to be maintained a legible and clearly printed copy of this section, conspicuously placed in the building so as to be clearly visible to occupants of the building.

WATER

26(1) Every dwelling shall be provided with an approved supply of potable water from at least one of the following sources:

(a) Municipal Water System;

(b) Communal Water System; or

(c) Private Source.

26(2) For the purpose of this By-law, hot water shall be supplied at a temperature of not less than 43° Celsius (100° Fahrenheit).

TOILET, KITCHEN AND BATHROOM FACILITIES

27(1) Every dwelling unit shall contain a minimum number and type of working plumbing fixtures, consisting of:

(a) a kitchen sink;

(b) a water closet;

(c) a hand wash basin; and

(d) a bathtub or shower.

27(2) The floor and the walls to a minimum height of .9 meters (3 feet) above the floor or bathtub of every bathroom, shower room and toilet room shall be so maintained as to be water-resistant and readily cleaned.

27(3) All bathrooms and toilet rooms shall be located within and accessible from within the building and all bathrooms and toilet rooms shall be maintained in a good state of repair.

27(4) All bathrooms and toilet rooms shall be fully enclosed and shall have a door capable of being closed so as to provide privacy for the occupant.

27(5) A hand wash basin shall be located in the same room as each toilet or in an adjoining bathroom, provided that no sink in a kitchen shall be considered a hand wash basin for the purpose of this section.

27(6) Where toilet, kitchen or bathroom facilities are shared by the occupants of residential accommodation, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The minimum number of toilets, kitchens or bathrooms required shall be in accordance with the Building Code.

27(7) Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.

27(8) No toilet or urinal shall be located within a habitable room.

KITCHEN FACILITIES

28. Every dwelling unit and residential care facility shall be provided with a kitchen with the following:

(a) a sink and a splash back which is water and grease resistant;

(b) a work surface of at least .74 square meters (8 square feet), which shall be impervious to grease and water;

(c) cupboards or pantry for the storage of food, dishes, and cooking utensils, having a interior capacity of at least .8 cubic meters (30 cubic feet), of sufficient design that when loaded the cupboards or pantry will not collapse, and secured in such a manner that when loaded they will not tip or become detached from the wall to which the cupboards or pantry may be secured; and

(d) without affecting the above requirements, space sufficient to accommodate a cooking range or countertop cooking unit, beside or in the countertop and without placing the device in a doorway or a path of egress.

ELECTRICAL SERVICES

29(1) Where electrical services are available every suite and dwelling unit, shall be:

(a) connected to an electrical supply system; and

(b) wired to receive electricity.

29(2) An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.

VENTILATION

30(1) Except as provided in subsection (5) below, every habitable room shall have an opening or openings for natural ventilation from outside which shall be maintained in good working order.

30(2) Except as provided in subsection (3) below, every bathroom or room containing a water closet shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed area of .09 square meters (1 square foot).

30(3) Where a system of mechanical ventilation is provided in accordance with the Ontario Building Code, an opening for natural ventilation from a bathroom or toilet room may be omitted.

30(4) All systems of mechanical ventilation shall be maintained in good working order.

30(5) The natural ventilation requirements prescribed in subsection (1) may be omitted from any room where the equivalent ventilation is provided by mechanical ventilation equipment.

30(6) Every basement, cellar, unheated crawl space and attic shall be vented in accordance with the table following, and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects:

TABLE: Required Venting

Location	Minimum Unobstructed Vent Area
Attic	0.3% of insulated Ceiling area

Basement (unfinished), Unheated crawl space, or Cellar	0.2% of the floor area

30(7) All windows in a residential unit designed to be open shall be fitted with screens so as to prevent the entrance of insects and rodents and screens shall be maintained in good repair.

GARAGES

31. Garages shall be so maintained as to prevent gas fumes and carbon monoxide from entering the area of the dwelling unit.

GARBAGE DISPOSAL

32(1) Subject to subsections (2) and (3) below, every garbage and refuse chute, and every garbage and refuse storage room in a multiple dwelling shall be kept in use and maintained in operation at all times.

32(2) No owner of a multiple dwelling or occupant thereof shall disconnect, shut off, remove, otherwise discontinue, or cause or permit the disconnection, shutting-off, removal, or discontinuance of any garbage and refuse chute or any garbage and refuse storage room except when such action is necessary in order to safely make repairs, replacements or alterations thereto, and then only during the reasonable minimum time that such action is necessary.

32(3) Where it is not practical to maintain garbage chutes operational, because compactors are not able to be installed in place of incinerators the garbage and refuse chutes need not be maintained operational at all times if an alternate method readily accessible to all occupants is provided and maintained as follows:

(a) a garbage storage area is provided on each floor of the building,

(b) the occupants are not required to deliver the garbage to the ground floor, basement or parking lot of the building, and

(c) the owner of the building provides a daily collection procedure from each floor and delivers the garbage to the receptacles as required by subsections 13(4) and 13(5).

COMPOSTING

32(4) A residential property may provide for not more than two compost heaps, provided the piles are located in the rear yard and each is no larger than one meter square (10.76 square feet), no higher than 1.8 meters (6 feet), and are each enclosed on all sides by concrete blocks, a lumber structure, a metal frame, or a commercial plastic compost container.

ELEVATORS

33(1) Subject to subsection (3) below, a multiple dwelling more than three (3) stories in height but not more than six (6) stories in height and which has an elevator or elevators for the use of tenants, shall have at least one elevator maintained and operable except for such reasonable time as may be required for repair or replacement.

33(2) Subject to subsection (3), a multiple dwelling more than six (6) stories in height and which has an elevator or elevators for the use of tenants shall have all elevators maintained and operable except for such reasonable time as may be required for repair or replacement.

33(3) In the event of conflict with the Elevating Devices Act, R.S.O. 1990, c. E.8, the regulations passed under such act, both as amended, or an order issued under that act, the act, regulation or order prevails over this by-law to the extent of the conflict.

OCCUPANCY STANDARDS

34(1) No person shall use or permit the use of a non-habitable room for a habitable room purpose.

34(2) Every living room, dining room, kitchen, and bedroom shall have a minimum room height of not less than;

(a) 1.9 meters (6 feet 5 inches) over the required floor area and in any location that would normally be used as a means of egress; or

(b) 2 meters (6 feet 8 inches) over at least fifty per cent (50%) of the required floor area, provided that any part of the floor having a clear height of less than 1.4 meters (4 feet 7 inches) shall not be considered in computing the required floor area.

34(3) A bedroom or sleeping room for one person shall have a floor area of at least 5.6 square meters (60 square feet), and a bedroom or sleeping room for two or more persons shall have a floor area of at least 3.3 square meters (36 square feet) per person, calculated in each case by the measurement of such room from the inside faces of its walls, exclusive of the floor area of any closet or other storage space and subject to subsection (4) below. All bedrooms or sleeping rooms shall have a minimum width of 1.8 meters (6 feet).

34(4) For the purpose of computing the floor area of rooms referred to in subsections (2) and (3) of this section, the floor area of any portion of the room which does not have a clear height of 1.4 meters (4 feet 7 inches) shall be excluded.

SEVERANCE AND CONFLICT

35(1) Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.

35(2) Where a provision of this By-law conflicts with the provision of another By-law, Act or Regulation in force within the municipality, the provisions that establish the higher standards to protect the health and safety of persons shall prevail.

RESPONSIBILITIES AND COMPLIANCE WITH ORDERS

36(1) The owner or occupant of a property shall:

(a) Comply with all standards prescribed in this By-law.

(b) Not permit any person to use or occupy any property owned, managed or controlled by that person unless such property conforms to the standards prescribed in this By-law.

(c) Comply with any final and binding order of the Property Standards Officer.

(d) Produce documents or things requested by the inspector for inspection as relevant to the property or any part thereof, allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning a matter related to the property or part thereof, allow entry by the inspector or such persons as needed to carry out an inspection or test or in aid thereof, permit examination, tests, sampling or photographs necessary for the purposes of an inspection or in aid thereof, and provide at their expense when requested, tests and samples as are specified in an order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this by-law and the relevant portions of the Building Code Act.

(e) Ensure, that in complying with this by-law, and in carrying out work required under an order or other obligation under the by-law, that the property and activities shall be kept and carried out in a condition and manner that avoids conditions dangerous to the owner, occupants or visitors to the property or which put at risk of injury or health such persons, and giving adequate warning where such risks cannot be so avoided so as to allow such persons to avoid the danger or risks.

36(2) A person affected by a property standards order may seek to have compliance with an outstanding order determined by supplying such proof as may allow compliance to be determined or permit or arrange for an inspection of the property by an officer, and shall be liable to pay any applicable fees, charges or expenses.

36(3) Where the proof submitted in (2) is insufficient for the officer to determine compliance of the property with the order or part of the order, the person shall, subject to the Building Code, permit or arrange for a reasonable and timely inspection by the officer to determine compliance or that the proof submitted confirms compliance.

36(4) Where an officer determines there is compliance under this by-law with an order issued and registered on the title to a property, the order shall be discharged from the title.

ADMINISTRATION AND ENFORCEMENT

37(1) The Chief Building Official appointed pursuant to the Building Code Act, 1992, is hereby assigned the responsibility of administering and enforcing this By-law and the applicable sections of the Building Code Act, and may so assign duties to such persons, officers and inspectors as necessary to carry out the provisions of this by-law and applicable provisions of the Building Code Act.

37(2) Persons appointed or assigned for the purposes of enforcing or administering this by-law are property standards officers, and have the authority to carry out the duties assigned to officers under this by-law and the Building Code Act, and may enforce the provisions of this by-law and the applicable sections of the Building Code Act.

37(3) A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under section 15.3(7) of the Building Code Act, 1992 so as to provide for:

Judge of the Superior Court of Justice by notifying the clerk of the corporation in writing and by applying to the Superior Court of Justice for an appointment within 14 days after the sending of a copy of the decision

40(5) A Judge of the Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.

40(6) On the appeal, the Judge has the same powers and functions as the Committee.

40(7) An order that is deemed to be confirmed or modified by the Committee or Judge, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

REGISTRATION OF ORDER

41(1) An order issued pursuant to subsection (1) of Section 38 may be registered in the Land Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under section 39.

41(2) When the requirements of the order have been satisfied, the Clerk of the City shall forthwith register in the Land Registry or Land Titles Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

POWER OF CORPORATION TO REPAIR OR DEMOLISH

42(1) If the owner or occupant of a property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the City in addition to all other remedies:

- (a) may repair or demolish the property;
- (b) may clear the site of all buildings, structures, debris or refuse and leave the site in a graded and leveled condition; or
- (c) may make the site safe or impede entry by erecting fences, barricades or barriers.

42(2) For the purposes of subsection (1) a Property Standards Officers and agents employed by the City may from time to time enter in and upon the property.

42(3) Despite Section 31(2) of the Building Code Act, 1992, the City or an officer acting on its behalf shall not be liable to compensate the owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under the provisions of this section.

PROPERTY STANDARDS COMMITTEE

43(1) A committee to be known as The Property Standards Committee of the City of Hamilton is hereby established.

43(2) The Property Standards Committee for the City of Hamilton shall consist of five residents of, or property owners in the City to be appointed by Council, with a 3-year term. The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith.

43(3) The membership of the Property Standards Committee and their term of appointment, which term is subject to (2) above, are attached as Schedule "B" to this By-law.

CERTIFICATE OF COMPLIANCE

44(1) Every property owner may make an application to the City for a certificate of compliance by completing and signing an application on the form available at the offices of the Chief Building Official, and paying the applicable fee.

44(2) Fee for inspection: Where a property standards order has been registered, an owner or occupant may apply for an inspection of the property in respect of the order and shall pay a fee of $225.00 at the time of application, which fee includes the registration of a discharge where compliance with the order is found.

PENALTIES

45(1) Subject to subsection (2), a person who fails to comply with an Order which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than $25,000 for a first offence and to a fine of not more than $50,000 for any subsequent offence.

45(2) If a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed on the corporation is $50,000 for a first offence and $100,000 for any subsequent offence.

45(3) Every director or officer of a corporation who knowingly concurs in the failure of the corporation to comply with a final and binding order is guilty of an offence, and upon conviction shall be liable to a fine of not more than $25,000 for a first offence and to a fine of not more than $50,000 for any subsequent offence.

PROCEEDINGS CONTINUED

46(1) Any order issued or proceeding being conducted under a property standards by-law of any former area municipality, including the predecessor to by-laws mentioned in section 47 below, shall be deemed to continue under this By-law, and any reference to such by-law in a prior order, notice or proceeding shall be deemed to refer to this By-law.

46(2) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters in respect of a property standards by-law of any former area municipality, including the predecessor to by-laws mentioned in section 47 below, the process may be continued and carried out under this By-law.

REPEAL

47. The following by-laws or the former area municipalities are hereby repealed, all as amended:

(a) By-law No. 98-243 (Hamilton);
(b) By-law No. 79-115 (Ancaster);
(c) By-law No. 4478-99 (Dundas);
(d) By-law No. 80-111-P (Flamborough);
(e) By-law No. 505-94 (Glanbrook); and
(f) By-law No. 4239-95 (Stoney Creek).

48. This By-law comes into force and effect on the date of its passing and enactment.

PASSED AND ENACTED this day of , 2003

CITY CLERK MAYOR

SCHEDULE "A"

FEES

(1) FEES FOR CERTIFICATES OF COMPLIANCE: An applicant shall pay the applicable fees for a Certificate of Compliance at the time the application is made, as follows:

(a) For a single family dwelling...$220.00;

(b) For a two family dwelling, a three family dwelling, or multiple dwelling, $220.00 plus an amount calculated at the rate of $30.00 for each additional dwelling unit in excess of the first dwelling unit;

(c) For a lodging house or nursing home, $220.00 plus an amount calculated at the rate of $20.00 for each permitted resident; and

(d) For all other buildings, $220.00 plus an amount calculated at the rate of $10.00 per 1,000 square feet of gross floor area for the gross floor area in excess of the first 1,000 square feet.

SCHEDULE "B"
PROPERTY STANDARDS COMMITTEE

MEMBERSHIP AND TERM OF OFFICE

A. JANE EVANS, TERM EXPIRING NOVEMBER 30, 2003
B. DAVID RICKETTS, TERM EXPIRING NOVEMBER 30, 2003
C. SHANNAH MURRAY, TERM EXPIRING NOVEMEBR 30, 2002
D. FABRIZIO ANGELICI, TERM EXPIRING NOVEMBER 30, 2002
E. IRENE HUBAR, TERM EXPIRING NOVEMBER 30, 2004

THE CITY OF HAMILTON

BY-LAW NO. 03-___

RESPECTING LITTER, YARD WASTE AND PROPERTY MAINTENANCE

WHEREAS Council desires to pass regulations and prohibitions against littering of private and public property, for the maintenance of yards and other property by owners and occupants, prohibiting the dumping or improper storage of refuse, for the proper drainage of water and sewage, and the salvage of motor vehicles and their components, with the intent of promoting the proper recycling and re-use of resources in conjunction with other by-laws establishing a waste management system, the limiting of waste and wasteful practices, and for limiting or eliminating nuisances, the spread of vermin, particularly from waste and naturalized areas to other properties, and other unhealthy practices and conditions arising from litter, refuse, neglect and improper drainage;

AND WHEREAS Section 127 of the Municipal Act, S.O. 2001, c. 25 as amended, permits councils of local municipalities to pass by-laws for requiring the owner or occupant to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings, to regulate when and how such matters shall be done, to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land, and to define "refuse";

AND WHEREAS Section 2 and sections 8 through 11 of the Municipal Act (supra) provide for the Council of a Municipality to pass by-laws for purposes which include the provision of services and things necessary and desirable for the municipality and fostering current and future economic, social and environmental well-being of the municipality, and powers which include the authority to regulate, prohibit and impose requirements on persons, and to differentiate between persons, and specifically to enact by-laws dealing with waste management, drainage and flood control and structures;

AND WHEREAS Section 131 of the Municipal Act (supra) permits by-laws prohibiting, regulating and inspecting the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them for salvaging parts thereof for sale or other disposal;

AND WHEREAS Section 128 of the Municipal Act (supra) permits by-laws for prohibiting and regulating public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances and the opinion of council, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS Section 427 of the Municipal Act (supra) provides that where Council may direct or require by by-law or otherwise that any matter or thing be done, the council may directing that, in default of it being done by the person directed or required to do it, such matter or thing may be done at the person's expense and the corporation may recover the expense incurred in doing it by action, or collected in the same manner as municipal taxes;

AND WHEREAS Council considers that reasonable notice of the by-law has been given, including notice of and the holding of a meeting on November 21, 2002 for public comment and consultation, pursuant to section 251 of the Municipal Act (supra);

AND WHEREAS section 99 of the Municipal Act (supra) deals with authority and limitations over the regulation and prohibition of advertising devices;

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "Yard Waste and Maintenance By-law".

INTERPRETATION

2(1) In this by-law:

(a) "city" means the City of Hamilton or the geographic area of the municipality, as the context requires;

(b) "Director of Building" means the Chief Building Official appointed by Council under the Building Code Act, S.O. 1992, c. 23 as am., or the person who is appointed to act in that capacity during his or her absence;

(c) "domestic waste" means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather, and for even greater certainty it is hereby declared that "domestic waste" includes but is not limited to the following classes of material regardless of the nature or condition of the material, article or thing:

1. Broken or torn bits of twigs, splinters or rags, tree cuttings or cut limbs and brush from any shrub or tree, and waste lumber,

THE CITY OF HAMILTON

BY-LAW NO. 03-___

RESPECTING LITTER, YARD WASTE AND PROPERTY MAINTENANCE

WHEREAS Council desires to pass regulations and prohibitions against littering of private and public property, for the maintenance of yards and other property by owners and occupants, prohibiting the dumping or improper storage of refuse, for the proper drainage of water and sewage, and the salvage of motor vehicles and their components, with the intent of promoting the proper recycling and re-use of resources in conjunction with other by-laws establishing a waste management system, the limiting of waste and wasteful practices, and for limiting or eliminating nuisances, the spread of vermin, particularly from waste and naturalized areas to other properties, and other unhealthy practices and conditions arising from litter, refuse, neglect and improper drainage;

AND WHEREAS Section 127 of the Municipal Act, S.O. 2001, c. 25 as amended, permits councils of local municipalities to pass by-laws for requiring the owner or occupant to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings, to regulate when and how such matters shall be done, to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land, and to define “refuse”;

AND WHEREAS Section 2 and sections 8 through 11 of the Municipal Act (supra) provide for the Council of a Municipality to pass by-laws for purposes which include the provision of services and things necessary and desirable for the municipality and fostering current and future economic, social and environmental well-being of the municipality, and powers which include the authority to regulate, prohibit and impose requirements on persons, and to differentiate between persons, and specifically to enact by-laws dealing with waste management, drainage and flood control and structures;

AND WHEREAS Section 131 of the Municipal Act (supra) permits by-laws prohibiting, regulating and inspecting the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them for salvaging parts thereof for sale or other disposal;

AND WHEREAS Section 128 of the Municipal Act (supra) permits by-laws for prohibiting and regulating public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances and the opinion of council, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS Section 427 of the Municipal Act (supra) provides that where Council may direct or require by by-law or otherwise that any matter or thing be done, the council may directing that, in default of it being done by the person directed or required to do it, such matter or thing may be done at the person's expense and the corporation may recover the expense incurred in doing it by action, or collected in the same manner as municipal taxes;

AND WHEREAS Council considers that reasonable notice of the by-law has been given, including notice of and the holding of a meeting on November 21, 2002 for public comment and consultation, pursuant to section 251 of the Municipal Act (supra);

AND WHEREAS section 99 of the Municipal Act (supra) deals with authority and limitations over the regulation and prohibition of advertising devices;

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "Yard Waste and Maintenance By-law".

INTERPRETATION

2(1) In this by-law:

(a) "city" means the City of Hamilton or the geographic area of the municipality, as the context requires;

(b) "Director of Building" means the Chief Building Official appointed by Council under the Building Code Act, S.O. 1992, c. 23 as am., or the person who is appointed to act in that capacity during his or her absence;

(c) "domestic waste" means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather, and for even greater certainty it is hereby declared that "domestic waste" includes but is not limited to the following classes of material regardless of the nature or condition of the material, article or thing:

1. Broken or torn bits of twigs, splinters or rags, tree cuttings or cut limbs and brush from any shrub or tree, and waste lumber,

excepting only cut and stacked firewood for use in a fireplace on the property;

2. Paper, paper cartons and other paper products;

3. Rotting vegetable matter, or rotting animal matter;

4. Disconnected appliances, including refrigerators, stoves, freezers, or any part or parts of such things;

5. Furnaces or furnace parts, ducting, pipes, fittings to pipes, and wire;

6. Water or fuel tanks;

7. Inoperative machinery, inoperative motor vehicles, and parts or accessories of such items;

8. Accumulations, deposits, leavings or sweepings of litter, remains, rubbish, or trash of any sort, whether animal, mineral or vegetable;

9. Broken or indoor furniture;

10. Crockery, dishes, pots, and pans;

11. Sewage;

12. Animal waste products, hides, parts or carcasses other than those arising from industrial or agricultural businesses legally operated on the land; and

13. Construction, demolition, repair or renovation debris or leftovers from such work;

(d) "industrial waste" means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on the property due to exposure or the weather, and for even greater certainty it is hereby declared that "industrial waste" includes but is not limited to the following classes of material regardless of the nature or condition of the material, article or thing:

1. Debris, discarded things or matter, or effluent which in whole or in part are derived from or are constituted from or consist of,
   (A) animal or vegetable matter, paper, lumber, or wood, or,
   (B) mineral, metal, or chemicals, or fill contaminated with petrochemical or petroleum products;

2. Piles of miscellaneous plastic, wood or metal parts, or combinations of such materials;

3. Automotive parts not packaged for immediate shipment, inoperative vehicles, vehicle parts, inoperative mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment not contained in a legal salvage yard;

4. Piping, ducting, tubing, conduits, cable, wire and fittings or related accessories, with or without adjuncts, and not packaged for immediate shipment;

5. Material resulting from or as part of, construction, demolition, repair or renovation projects including debris and leftovers;

6. Rubble or fill;

7. Bones, feathers, hides or other animal parts or carcasses;

8. Sewage;

9. Dust emanating from the operation of the enterprise; and

10. Ashes;

(e) “inoperative motor vehicle” means a vehicle having missing bodywork, components or parts, including tires, or damaged components, parts, bodywork, glass, or deteriorated or removed adjuncts, which prevent its mechanical function;

(f) “naturalized area” means a property or a portion of a property deemed a naturalized area in section 3;

(g) “officer” shall mean a Municipal Law Enforcement Officer, a Building Inspector, a Fire Prevention Officer, a Fire Fighter, or a Health Inspector or other person appointed or employed by the City for enforcement of by-laws, and includes a police officer;

(h) “occupant” means any person or persons over the age of 18 years in possession of the property;

(i) “owner” includes:

- (i) both the owner in trust and beneficial owner of land,
- (ii) the person for the time being managing or receiving rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- (iii) a lessee or occupant of the property who manages or controls the condition of the property;

(j) “order” means any notice of non-compliance issued under this by-law;

(k) “property” means any grounds, yard or vacant lot;

(l) “refuse” includes all manner of waste, debris and sewage as provided for or defined in this by-law but does not include a building or buildings on a property, but does include parts or pieces of such structures on the property that are dismantled or are rubble, or which have become detached from a building, whether by construction, demolition, damage or deterioration;

(m) “sewage” includes any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off;

(n) “turf grass” means ground cover comprised of one or more species of growing grass with or without trees, shrubbery or maintained planting beds for other vegetation;

(o) “watercourse” means an identifiable depression in the ground in which a natural flow of water occasionally, regularly or continuously flows, even if bed is sometimes dry, and even if the banks are sometime overflowed or submerged; and

(p) "weed" means a noxious weed designated by or under the Weed Control Act, R.S.O. 1990, c. W.5, including any weed designated as a local or noxious weed under a by-law of the City passed under that Act.

2(2) Where this by-law provides both metric and imperial measurement for the same item, the imperial measurement is provided for convenience only and is approximate.

PROPERTY AND DRAIN MAINTENANCE

3(1) Every owner or occupant of land shall keep the vegetation on the property clean and cleared up.

3(2) Every owner or occupant of land on which there is a private drain shall keep the drain operational and in repair, and no owner or occupant of land shall obstruct, or cause or permit the obstruction of a private drain on the land, provided only that the subsequent connection of the property's private sewage system to the municipal sanitary sewer in a manner approved by the City, shall be permitted as a replacement to the private sanitary drain.

3(3) For the purpose of subsection 3(1) above, "clean" or "cleared up" means:

(a) The removal of weeds from all turf grass areas, naturalized areas, buffer strips and perimeter strips;

(b) In turf grass areas, the cutting of grass so that its height is maintained below 20.32 centimeters (8 inches) in height;

(c) In a naturalized area that is either on a lot on a registered plan of subdivision or if not such a lot, if a residentially used parcel abutting another residential parcel, the cutting of vegetation other than trees or shrubbery so that its height is maintained below 20.32 centimeters (8 inches) along a minimum one meter (3.28 feet) wide strip immediately adjacent to the lot lines and along all boundaries of the whole lot or parcel of land, which strip is herein called a "buffer strip"; or

(d) In a naturalized area other than an area described by clause (c) above, the cutting of vegetation other than trees or shrubbery, so that its height is maintained below 20.32 centimeters (8 inches), along a minimum ten meter (32.8 feet) wide strip immediately adjacent to the lot line where the lot line adjoins a roadway or an occupied property, which strip is herein called a "perimeter strip".

3(4) For the purposes of clause 3(3)(a) above, weeds shall be destroyed by the following means:

- (a) pulling or otherwise removing the plants from the soil;
- (b) cutting the roots or stalks of the plants before the seeds have developed sufficiently to ripen after cutting;
- (c) turning the soil in which the plants were growing so as to bury or kill the weeds; or
- (d) in the case of poison ivy, treating it with a herbicide that causes the plants to be destroyed, or which prevents the growth of the plants or the ripening of their seeds, provided that nothing in this clause authorizes the use of any herbicide that is contrary to any other law in force in Ontario.

3(5) For the purpose of this by-law, an area is deemed to be a naturalized area if the property or portion covered by vegetation is landscaped and maintained with a variety of flowers or plants, with or without grasses, or left to grow a variety of indigenous plants.

3(6) No owner or occupant of land shall obstruct, or cause or permit the obstruction of a watercourse on the land.

3(7) Subsection (1) above, does not apply to crops being grown by an "agricultural operation" as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1 on lands where agricultural uses are permitted uses under land use by-laws.

LITTER

4(1) No person shall throw, place or deposit refuse or debris on private land without the written authority of the owner or occupant of the land.

4(2) No person shall throw, place or deposit refuse or debris on owned or occupied land by the City or a local board of the City without the written authority of the City or the local board and where such land is occupied by a person other than the owner, without the written authority of the occupant.

4(3) A person does not breach subsections (1) or (2) merely by placing garbage out for collection on their property in accordance with municipal by-laws and collection schedules, but no person shall leave out garbage contrary to such by-laws or schedules.

4(4) An owner or occupier of land shall clean or clear exterior walls of any building or structure on the land, and their components, so as to be free of posters, which are for the giving of notice for an event that has already occurred, or where the message contained is not readable due to damage or deterioration to the poster or its content, or where the posters are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter.

4(5) Pursuant to the Municipal Act, S. O. 2001, c. 25 as amended, the cost of removal of posters by the City is collectable against the owner of the advertising device under the terms of the said Municipal Act notwithstanding the other content of this by-law.

GARBAGE AND WASTE DISPOSAL

5(1) Every owner or occupant of land shall keep their property free and clear of all garbage, refuse or domestic or industrial waste of any kind.

5(2) No person shall use any land or structure within the city for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.

5(3) The owner or occupant of land used contrary to or on which there is a contravention of subsections (1) and (2) above, regardless of whether the use or contravention occurred prior to the enactment of this by-law, shall at the persons own expense clean, clear and cease using such land or structure for such prohibited purposes.

5(4) Subject to subsection (5), subsections (1) and (2) do not apply to,

(a) land or structures used by the City for the purpose of dumping or disposing of waste; or

(b) land or structures designated by by-law of the City for the purpose of dumping or disposing of waste.

5(5) No person other than the City or its agents, without the prior authorization of the City and except in accordance with such authorization, shall dump or dispose of garbage, refuse, or domestic or industrial waste of any kind on lands mentioned in subsection (4).

MOTOR VEHICLE SALVAGE

6(1) No person shall use any land or structure in the city for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal including the purposes of repairing other vehicles.

6(2) Subsection 6(1) above does not apply if zoning by-laws permit the land to so be used and the person holds a current and valid license issued by the City for the land, permitting motor vehicle salvage.

ADMINISTRATION AND ENFORCEMENT

7(1) The Director of Building or an officer may make an Order, sent by pre-paid regular mail to the last known address, posted on site or personally delivered, to an owner, lessee or occupant, requiring the owner, lessee or occupant within the time specified in the Order that they shall:

(a) Clean and clear up the property and to bring the property into compliance with any section of this by-law;

(b) Repair, or remove obstructions from private drains, and ensure drainage and proper connection of private drains to storm or sewage systems of the City or otherwise provide for the sanitary disposal of sewage or drainage from the land;

(c) clean, clear or remove from the land or structure any or all garbage, refuse, fill, inoperative motor vehicle, sewage, long grass, weed, or domestic or industrial waste of any kind;

(d) cease using the land or structure for the dumping or disposing of garbage, refuse, used motor vehicles, motor vehicle parts, domestic or industrial waste of any kind;

(e) clean or clear exterior walls of a building or structure, and their components free of posters which are:

(i) for events which have already occurred or where the message contained is unreadable, or

(ii) which are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter;

(f) Alter or relay a private drain or fill up any property or part of a property; or

(g) Remove obstructions from watercourses.

7(2) Every Order sent by the Director of Buildings or Officer shall identify the land or structure.

8(1) The Director of Building or an officer may reasonably inspect the property or structures there, not including any structure used as a dwelling, at any reasonable time for the purpose of determining whether,

(a) the land or structure is used for dumping or disposing of garbage, refuse fill or domestic or industrial waste of any kind;

(b) the land or structure is used for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal;

(c) the owner, lessee or occupant has complied with any Order sent by the Director of Building or an Officer; or

(d) whether there is compliance or non-compliance with any other provision of this by-law.

8(2) Every owner or occupant shall permit the Director of Building or an officer employed, upon production of identification and the purpose of the inspection by the City, to inspect the land or structure for the purpose of subsection (1).

9(1) Where the owner, lessee or occupant does not comply with an Order under this by-law within the time specified for compliance, the Director of Building or an Officer, with such assistance by others as may be required and upon reasonable notice as may be required in one or more of the methods provided in subsection 7(1), may:

(a) Clean or clear up a property and bring it into compliance with any section of this by-law;

(b) Repair, maintain or remove obstructions from a private drain, and ensure drainage and proper connection of private drains to storm or sewage systems of the City or otherwise provide for the sanitary disposal of sewage or drainage from the land;

(c) clean, clear or remove from the land or structure any or all garbage, refuse, fill, sewage, inoperative motor vehicle, long grass, weed or domestic or industrial waste of any kind;

(d) remove used motor vehicles and other machinery, and any parts, stored for the purpose of wrecking or dismantling the materials or the salvaging parts thereof for sale or other disposal;

(e) clean or clear exterior walls of a building or structure, and their components free of posters which are:

(i) for events which have already occurred or where the message contained is unreadable, or

(ii) which are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter;

(f) Alter or relay a private drain or fill up any property or part of a property; or

(g) Remove obstructions from watercourses.

9(2) Where any of the materials or things are removed in accordance with subsection (1), the matters or things may be immediately disposed of by the Director of Building, and any recovered salvage value or other actual recovery of money made upon such disposal shall be credited first against costs incurred under this section, and then if sufficient to eliminate those costs the balance shall be refunded to the person who was in possession of the materials or things prior to their removal from the land.

9(3) The City shall recover all costs and expenses associated with actions taken and work done to property under this section in a manner as provided by statute, whether by action or as otherwise provided, plus interest at the rate of fifteen percent per annum from the day the municipality incurs such costs and ending on the day the costs, including interest, are paid in full.

9(4) The Director of Building is authorized to give immediate effect to any order issued under Section 7 that has not been complied with by the owner, where the cost of doing the work to comply with the order does not exceed $5,000.00, and where above such amount as Council may authorize.

9(5) Where Council for the City so directs by by-law, as an alternative to subsection 9(3) the expense, work or repairs in excess of $5,000.00 under this by-law, shall with interest at the rate applicable in subsection 9(3) above, be payable instead by the person failing to carry out such work as required, in annual installments not exceeding ten years and the City may borrow money to cover such expense by the issue of debentures of the corporation payable in not more than ten years.

10. No person shall hinder or obstruct an Inspector, appointed under this by-law or employed to enforce this by-law, from carrying out an inspection of lands, nor shall any person obstruct any employee or agent authorized to carry out work for the City specified in an Order issued hereunder.

11(1) Subject to subsections (2) and (3) below, every person who contravenes any provision of this by-law, is guilty of an offence and upon conviction is liable to the fine specified in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

11(2) Subject to subsection (3) below, every person who contravenes subsections 4(1) or 4(2) of this by-law is guilty of an offence and upon conviction is subject to a fine of not more that $10,000 for a first offence and $25,000 for any subsequent offence of such subsections.

11(3) Where a corporation is convicted of an offence under subsections 4(1) or 4(2) of this by-law the maximum penalty that may be imposed on the corporation is $50,000 for a first offence and $100,000 for any subsequent offence of such subsections.

REPEAL AND ENACTMENT

12. By-law No. 84-35 of the former Corporation of the City of Hamilton, By-Law No. 571-99 of the former Corporation of the Township of Glanbrook, and By-Law No. 3201-90 of the former Corporation of the City of Stoney Creek, all as amended, are repealed.

13. Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.

14. This By-law comes into force and effect on the date of its passing and enactment.

PASSED AND ENACTED this day of , 2003

CITY CLERK MAYOR

CITY WIDE
IMPLICATIONS

5.2

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	April 16, 2003	**Prepared by:**	Peter C. Lampman (905) 546-4653

SUBJECT: **The Fees for Services/Activities By-law, Building and Licensing Division (PD02119) (City Wide) – Referred from Committee of the Whole on December 3, 2002**

RECOMMENDATION:

a) That the By-law attached to Report PD02119, being a By-law to establish fees and charges for goods, activities and services initiated or performed by the Building and Licensing Division for the City of Hamilton, be enacted.

b) That the Fees for Services / Activities By-law, Building and Licensing Division item, referred from Committee of the Whole on December 3, 2002, be identified as completed and removed from the Outstanding Business List.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The new Fee By-law is a consolidation of various fees charged by the former municipalities for services provided by the Building and Licensing Division. Fees reflect the cost of providing the service and are based on a full cost recovery model.

BACKGROUND:

The new "Fees for Services/Activities By-law" fee structure, as outlined in Schedule "A" of the new By-law was derived through a comparative analysis of policies and fees previously found in former area municipal by-laws. Adjustments have been made where necessary to more accurately reflect municipal costs associated with performing the various functions listed, however, many of the fees remain unchanged or are very similar to those currently in effect.

Actual fees related to goods, services and activities are based on the 'Enterprise Model', as previously approved by Council, and the premise that the Building and Licensing Division, when supplying goods or performing services on behalf of applicants and the City, should recover costs inherent in the provision of these services.

ANALYSIS OF ALTERNATIVES:

Consolidation of the fees currently used in many of the area municipalities, as well as housekeeping amendments and repeals to a plethora of existing building related municipal by-laws, will simplify the ability of staff to provide consistency in responding to public inquiries and, from a fees perspective, will level the playing field for all residents of the new City.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Implementation of "The Fees for Services/Activities By-law" will formalize the adoption of a standard set of fees to replace the various fee policies and by-laws which are currently in place in each of the former area municipalities and will provide for municipal service delivery cost recovery. Comparisons of existing and proposed fees are appended as part of this report.

Staffing – There are no staffing implications respecting this report.

Legal – See below (Consultation with Relevant Department/Agencies section) for comment.

POLICIES AFFECTING PROPOSAL:

Each of the fees listed on Schedule "A" were determined on the basis of full cost recovery. Details of the costs associated with each fee are as follows:

a) Zoning Verification and Work Order Reports

These reports require detailed file searches and also the examination of submitted surveys. Often there are outstanding orders which must be resolved prior to the issuance of the certificate. Order resolution may involve a site inspection and may also necessitate one or two meetings with property owners and legal counsel. At a fee of $80 per certificate the service is self-funding. The 48-hour express certificate at $120 allows for sales of properties with short closing dates. The $40 surcharge on the express service is to offset overtime incurred by providing the service.

b) Sewage System and Severance Comments

When application is made for land severance involving property that is serviced by a private sewage system, it is the policy of the City to require an inspection of the property to ensure that the lands will support a private sewage system. A building inspector assesses the site, may take soil samples, and may require a meeting with the owner to discuss design requirements. The fee of $200 is for at least one site inspection, a file search of the property and adjoining properties, and check for other regulatory restrictions such as conservation lands, ESAs, or water courses.

c) Blasting Permit

The fee of $100 is based on issuance of permit after a review of the request. Prior to issuance, a Customer Service Representative will request and review a pre-blast survey of adjoining buildings and structures. There is also a review of the blasting techniques to be utilized and the measures proposed to minimize the effect of blasting on adjoining properties. The permit may also require site inspections to ensure compliance with blasting mitigation measures.

d) Certificate of Compliance

Under the Property Standards By-law an owner may request the City to provide a certificate stating that a building is in compliance with the standards prescribed in the by-law. Certificates are required for Provincial and City licenses, when mortgages are renewed and when properties change ownership. The work requires a file search, at least two inspections, and production of a certificate. The fee of $220 is the minimum and is increased by $20 per resident, or $10 per 100 sq. metres or $30 per dwelling unit.

e) Grading Fees

The $1,000 fee is held until grading on infill lots is completed. It is returned in full to the owner upon completion of the grading. The $153 inspection fee covers the 2 or 3 inspections required to ensure that houses built under a plan of subdivision comply with grading requirements.

f) Demolition Agreement

This is an agreement entered into with an owner when there is a desire not to demolish an existing house until a new one is completed. This permits owners to live in the old house while the new one is completed. Upon completion of the new one, the owner is required to demolish the old one.

The agreements are prepared by building staff and require about 3 hours of preparation. Sites are inspected and the owner is required to submit a security deposit based on the cost of demolishing the old structure. Once signed the agreement is registered on title.

g) Rural Municipal Numbering

A separate report and by-law details the fees associated with this service.

h) Property Standards and Non-Compliance Issues

This fee is utilized when a violation of a by-law respecting private property has been served upon the owner and compliance is not obtained. If the inspector has to attend the property a second time, the owner will be charged for the first inspection, the notices sent out, and the second inspection.

i) Noise By-law Exemption

The new Noise By-law has a process for applying to Council for an exemption from the requirements. An application will require a review of the proposal, a site inspection, an assessment of a noise study if required and preparation of a report to Council.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The By-law has been reviewed by Legal Counsel and has received input from staff of the Public Works Department and Development Division (Planning and Development Department).

CITY STRATEGIC COMMITMENT:

The proposed By-law contributes to the principle of sustainable development and good community design through the regulation of minor variances to signs, and certificate of compliances under the Property Standards By-law. The regulation of other By-laws contribute to the health and welfare of citizens, by ensuring that fees are paid for services.

PCL: fd
Attachs. (2)

FEE STRUCTURE
SCHEDULE "A" TO REPORT PD02119
PAGE 1 OF 1

ITEM	Ancaster	Dundas	Flamborough	Glanbrook	Hamilton	Stoney Creek	New (Proposed)
Zoning Verification and Work Order Reports	$50.00	$50.00	$75.00	$50.00	Regular $80.00 Express $120.00	$80.00	Regular $80.00 Express $120.00
Sewage System and Severance Comments	$100.00	N/A	$50.00	$50.00	$200.00	$100.00	$200.00
Certificate of Compliance	N/A	$150.00 +	$75.00	$50.00	$220.00 +	$104.20	$220.00 +
Blasting Permit	Varied	N/A	$50.00	N/A	N/A	N/A	$100.00
Grading: Deposit Inspection	 $1000.00 N/A	 N/A N/A	 N/A N/A	 N/A N/A	 N/A $153	 $1000.00 + N/A	 $1000.00 $153
Demolition Agreement	$25.00 +	N/A	$125.00	N/A	N/A	$268.50	$350.00
Rural Municipal Numbers	$40.00 owner installation; $80.00 Town installation.	N/A	$40.00	$40.00	N/A	$50.83	$20.00 owner install.* $82.00 City install.*
Property Standards and Non-Compliance Issues	N/C	N/C	1st Inspection No Charge; 2nd Inspection - $100.00	N/C	1st Inspection No Charge; Proposed By-law: 2nd Inspection - $180.00	$60.00 per Inspection	1st Inspection - No Charge; 2nd Inspection - $180.00; Additional Inspections at $90.00 each
Noise By-Law Exemption (New)	N/A	N/A	N/A	N/A	N/A	N/A	$500.00*

* Indicates the value of fee already approved by Council

Authority:

Bill No. xxx

THE CITY OF HAMILTON

BY-LAW NO. 02-xxx

Being a By-law under the Municipal Act, 1990, respecting the imposition of Fees or Charges for Goods, Services or Activities provided by or on behalf of the City of Hamilton

WHEREAS Council deems it necessary to enact a by-law to set fees for goods, services, activities and certain inspections provided by the Building Division on behalf of the City of Hamilton and to provide for the recovery of costs for those goods, services, activities and inspections and to authorize consequential amendments to various by-laws;

AND WHEREAS Council deems it expedient to provide a single process for minor variances from the sign by-laws of the former area municipalities, to which a fee is applicable;

AND WHEREAS Section 220.1 of The Municipal Act, R.S.O. 1990, Chapter M.45 authorizes by-laws for imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and the Corporation of the City of Stoney Creek; (hereinafter referred to collectively as the “former area municipalities” and individually as a “former area municipality”);

AND WHEREAS the City of Hamilton Act, 1999 provides that the by-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

NOW, THEREFORE, the Council of the City of Hamilton enacts as follows:

SHORT TITLE

1. This By-law may be cited as the “Fees for Services/Activities By-law”.

FEES FOR 'SERVICES/ACTIVITIES'

2. (1) The Fees and Charges set out in **Schedule 'A'** attached to and forming part of this by-law, being the Tariff of Building Fees and Charges, are hereby established for the described goods, services or activities provided, initiated, or done by or on behalf of the City of Hamilton. Where a cash security is retained by the City, the Permit holder agrees that any interest accruing on the realized cash security shall belong to the City and not to the Permit holder. Securities shall not be refunded to the Permit holder until all of the work contemplated by the security is completed to the satisfaction of the Director of Building and Licensing.

(2) The fees and charges imposed under subsection (1) apply regardless of the goods, services or activities being performed or supplied under other by-laws or statutes, and the applicable fee or charge is due upon the request for or supply of goods, services or activities, whichever is earlier.

(3) The applicant or property owner shall pay the applicable fee or charge as required by this by-law, and no services or activities shall be performed or undertaken, or goods supplied, unless and until the applicant or owner has paid the fees and charges set forth in this by-law to the City of Hamilton Building Division.

REPEAL, AMENDMENTS AND ENACTMENT

3. In furtherance of the above, the following by-laws as may be amended are hereby further amended as follows:

(1) Subsection 7(2) of By-law No. 79-115 (Ancaster), establishing fees for "Certificates of Compliance" is hereby repealed.

(2) Subsection 4.3 of Section 4 of By-law No. 95-12 (Ancaster), establishing fees for "Certificates of Compliance" is hereby repealed.

(3) Subsection 4(2) of By-law No. 4470-99 (Dundas), establishing fees for "Registration of Accessory Apartments" is hereby repealed.

(4) Clauses (c) and (d) of Section 38 of By-law No. 4478-99 (Dundas), establishing fees for "Certificates of Compliance" are hereby repealed.

(5) Clauses 7.4.2, 7.4.3 and 7.4.4 of Section 7 of By-law No. 80-111-P (Flamborough), establishing fees for "Certificates of Compliance" are hereby repealed.

(6) The four "Sewage System Assessment" fees, and the fees respecting "Zoning Verification and Work Order Letters" in Schedule "A" of "The Revenue Rate By-law", being By-law No. 94-51-R (Flamborough) as amended, are hereby repealed.

(7) Subsection 69(2) and Schedule “B” of By-law No. 505-94 (Glanbrook), establishing fees for “Certificates of Compliance” are hereby repealed.

(8) The fees for searching or verifying “Work Order/Zoning/Agreement Compliance”, and the two fees respecting “Inspection and Written Comments for Septic Systems” of Building By-law No. 489-93 (Glanbrook) as amended by By-law No. 489-1-98 are hereby repealed.

(9) Section 39 of By-law No. 98-243 (Hamilton), being the Property Standards By-law for Hamilton as may be amended, is hereby further amended by repealing and replacing section 39 with the following:

> “39. Certificate of Compliance
> Every owner may make an application to the City for a certificate of compliance, and shall lodge the application with the Property Standards Officer.”

(10) The fee provisions in items 11(3) and 13 of Schedule “A” of By-law No. 99-073 (Hamilton) are hereby repealed.

(11) Section 19 of By-law No. 4239-95 (Stoney Creek), being the Property Standards By-law for Stoney Creek as may be amended, is hereby further amended by repealing and replacing section 19 with the following:

> “19. Certificate of Compliance
> At the request of the owner, the officer shall issue to the owner a certificate of compliance as prescribed in Schedule “B”, if in the officer’s opinion, the property is in compliance with the standards prescribed in this by-law. Where such certificate of compliance is issued at the request of the owner, the owner shall pay any fee required by the Electrical Safety Authority for an inspection carried out by the Authority.”

(12) Schedule “C” of By-law No. 4239-95 (Stoney Creek) is hereby repealed.

(13) The fees for “Sewage System Assessments” in Schedule “A” of Building By-law No. 4694-98 (Stoney Creek) as amended by By-law No. 4717-98 (Stoney Creek) are hereby repealed.

(14) Subsection 10(b) of By-law No. 3042-89 (Stoney Creek) as amended by Section 2. of By-law No. 3961-94; and Section 3. of By-law No. 3961-94 (Stoney Creek) is hereby repealed.

(15) In all other respects the following by-laws, as amended, of the former area municipalities, are hereby confirmed without change: No. 79-115 (Ancaster), No. 95-12 (Ancaster), No. 95-50 (Ancaster), No. 4470-99 (Dundas), No. 4478-99 (Dundas), No. 3094-79 (Dundas), No. 80-111-P (Flamborough), No. 94-51-R (Flamborough), No. 97-67-S

(Flamborough), No. 505-94 (Glanbrook), No. 511-94 (Glanbrook), No. 98-243 (Hamilton), No. 97-026 (Hamilton), No. 4239-95 (Stoney Creek), and No. 3042-89 (Stoney Creek).

4. In furtherance of the above, the following by-laws of the former area municipalities as may be amended, are hereby repealed: No. 4020-92 (Dundas); No. 4099-93 (Dundas); No. 4264-96 (Dundas); No. 4408-98 (Dundas); No. 99-20-R (Flamborough); No. 489-2-98 (Glanbrook); and No. 99-074 (Hamilton).

5. This by-law shall come into force and effect on the date of enactment.

ENACTED AND PASSED this day of, A.D. 2002

MAYOR

CLERK

Schedule 'A' to Bylaw No. 02-xxx

Zoning Verification Certificates/ Work Order Reports	
Regular	**$ 80.00**
Express (48 hours)	**$120.00**
Sewage System Severance Comments	
(Unserviced lot; inspection/letter)	**$200.00**
Certificate of Compliance (Inspection and Issuing Certificate)	
Single detached dwelling	**$220.00**
Two, three or multiple unit Dwelling	**$220.00** plus **$30.00** for each additional dwelling unit in excess of the first
A lodging house or nursing home	**$220.00** plus **$20.00** per each permitted resident
All other buildings (Liquor licence)	**$220.00** plus **$10.00** per 100 square metres in excess of the first 100 square metres
Photocopy service	
Including computer printouts	**$0.21** per page (Gst included)
Computer Disks	**$10.70** per disk (Gst included)
Records searches	
Including manual searches and preparation of information	**$8.03** for each 15 minutes (Gst included)
Computer Programming	
For developing programs or other ways of producing records from machine readable records	**$16.05** for each 15 minutes (Gst included)
Blasting Permit	**$100.00**
Noise By-law Exemption	
For each application requesting an exemption from the noise by-law	**$500.00** (Non-refundable)

Schedule 'A' to By-law No. 02-xxx (continued)

Grading - Security deposit	-	**$1,000.00**
Inspection Fee	-	**$ 153.00**
Discharge of Work Order		
Non-registered	-	**$ 75.00**
Registered Order	-	**$220.00**
Demolition Agreement for Building Replacement		
Agreement	-	**$350.00**
Security deposit/letter of credit	-	**$100.00** per square metre of building to be demolished; **$2,500.00** (Minimum), **$20,000.00** (Maximum)
Rural Municipal Number		
Full installation by city forces	-	**$ 82.00** (Gst included)
Materials for homeowner Installation	-	**$ 20.00** (Gst included)
City maintenance, no materials	-	**$ 62.50** (Gst included)
City replacement, post only	-	**$ 72.00** (Gst included)
City replacement, sign only	-	**$ 52.00** (Gst included)
Property Standards/Waste Materials and Non-Compliance with By-law Violation Issues (Various By-laws)		
First inspection	-	**No Charge**
Second inspection where violation(s) found	-	**$180.00**
Subsequent inspections where violation(s) found	-	**$ 90.00** (each)

* Note: ***Interest accruing on realized or refunded "Cash Security Deposits' shall belong to the City and shall not be the property of the permit holder.***

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

7.1

CORPORATE SERVICES
City Clerk's Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	April 3, 2003	**Prepared by:**	Darryl Lee 540-5434

SUBJECT: Ward Names (City Wide)

RECOMMENDATION:

a) That Ward Councillors be requested to provide to the City Clerk no later than May 30, 2003 the preferred name for their respective ward; and,

b) That a by-law be prepared satisfactory to Legal Counsel for presentation to Council after May 30, 2003 confirming the selected ward names; and

c) That a copy of the approved By-law be forwarded to the Minister of Municipal Affairs and Housing requesting that Ontario Regulation 448/00 respecting ward names in the City of Hamilton be amended accordingly.

d) That report FCS03081 be received.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Finance and Corporate Services

EXECUTIVE SUMMARY:

The passage of the City of Hamilton Act, 1999 provided for the provision of 15 electoral wards for the restructured City of Hamilton. Ontario Regulation 448/00 approved subsequent to the passage of this Act provides a detailed description of each individual ward but provides only a numeric identifier to distinguish each ward. This report has been prepared as the result of Members of City of Council expressing an interest in

attaching names to the existing 15 wards. This report establishes a timeframe for establishing these ward names in order to ensure their adoption for the 2003 Municipal Election, allowing for their inclusion on election ballots and related correspondence.

BACKGROUND:

Ontario Regulation 448/00 has established 15 electoral wards for the City of Hamilton. As Members of Council have expressed an interest in establishing names to identify individual wards it is imperative that a timetable be approved in order to provide for their usage in the 2003 Municipal Election.

In order to ensure that Municipal Election correspondence, notices, publications and ballots consistently contain the approved ward names it is recommended that they be in place by June 30, 2003.

ANALYSIS OF ALTERNATIVES:

Pursuant to provisions of the Ontario Municipal Act, 2001 a legislative process does not exist to govern the selection and approval of ward names. As the establishment of ward names does not alter the established ward boundaries, neither a public notice period nor a public meeting is required for their adoption. Council could however mandate that some form of public consultation in each ward occur before final ward names are established.

It is not necessary to amend Ontario Regulation 448/00 immediately in order to provide for ward names in 2003 as the Regulation only provides numeric identifiers for each of the 15 wards. However, following adoption by Council the approved names will be provided to the Ministry of Municipal Affairs and Housing for inclusion in Ontario Regulation 448/00 at a later date.

In order that all final selections for ward names receive Council approval, a by-law to formally approve ward names will be presented to Council following the May 30th submission deadline. If a member of Council opts not to put forward a name for their respective electoral ward, the numeric ward identifier will continue to be used on its own to identify the ward.

For purposes of the 2003 Municipal Election it is recommended that a combination of the existing ward number and approved ward name be utilized to describe each ward. In future only the approved ward name will be utilized to describe the ward on election ballots and correspondence.

Although certainly not a determining factor, the size of the ward name chosen will impact the size of the font available for printing the ward name on the Municipal Election Ballot. A redesign of the 2003 Municipal Election Ballot has recently been undertaken in order to increase the size of the text in use on the ballot . Municipal Election Ballots contain a limited field size for ballot headings and as a result very long ward names may possibly result in a smaller text being utilized for the ballot heading.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

No significant identifiable budgetary, staffing or legal implications have been identified pursuant to this Recommendation.

POLICIES AFFECTING PROPOSAL:

There are no Municipal Policies that affect this proposal. The City of Hamilton's 15 electoral wards are established by Ontario Regulation 448/00 approved pursuant to the City of Hamilton Act, 1999.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

In preparation of this Report consultation was undertaken with the City's Legal Services Division, the Ministry of Municipal Affairs and Housing and the City of Ottawa who have recently undergone a comprehensive ward boundary review.

CITY STRATEGIC COMMITMENT:

This Recommendation is in keeping with the established goals and objectives of Vision 2020, specifically, to develop cultural institutions and public facilities which inspire community pride and a sense of place.

CITY WIDE IMPLICATIONS

7.2

CITY OF HAMILTON

FINANCE AND CORPORATE SERVICES DEPARTMENT

Budgets & Fiscal Policy

Report to:	Mayor and Members Committee of the Whole	**Submitted by**:	Joseph L. Rinaldo, General Manager
Date:	April 22, 2003	**Prepared by:**	John Di Battista 546-4371

SUBJECT: City of Hamilton's Regional Transition Assistance Grant – Status Report & Summary of Amalgamation Savings (City Wide) (FCS03078)

RECOMMENDATION:

a. That the summary of Transition costs for 2001 & 2002 outlined in Appendix A & B be received for information.

b. That the summary of Amalgamation Savings outlined in Appendix C be received for information.

c. That the 2001 & 2002 Transition Expenditure Report – Appendix D be submitted to the Ministry of Municipal Affairs & Housing per the Regional Transition Assistance grant agreement of March 2001.

Roberto Rossini for

Joseph L. Rinaldo, General Manager
Corporate Services

EXECUTIVE SUMMARY:

This Report provides an expenditure update of the amalgamation projects by City Departments (Appendix A) and by transition cost categories (Appendix B). This is an update of Report FCS01010b – *Revised Updated Amalgamation Costs For The City of Hamilton*. In this report, Council approved total amalgamation spending of $40,491,116 of which $31,500,000 was to be funded from the Provincial Transition Grant and $8,991,116 from City Reserves.

This Report includes four Appendices: 1. Appendix A-lists the Transition costs by Department; 2. Appendix B-lists the Transition information by cost category and by funding sources. 3. Appendix C summarizes the amalgamation savings. 4. Appendix D-represents the Transition expenditure form required to be completed by the Ministry of Municipal Affairs.

As of December 31, 2002, the expected transition costs totalled $40,227,787, which is $263,329 less then was reported in FCS01010b. At this time, it is being recommended that nothing be done with the variance until such time as all the transition projects are complete.

Of the $40,227,787 anticipated transition costs, $ 27,783,093 is expended and the remaining $12,444,694 is anticipated to be spent in 2003 and later. Appendix A lists the expended and committed costs by project.

Even though the overall costs are expected to be $263,329 less than reported in FCS0101b, there has been a shift of resources between departments and projects. Savings in some areas are being used to offset over expenditures in other areas. The following outlines the shifts between departments:

Department/Activity	Surplus(Deficit) $
VEP/VERP Incentives	(307,132)
Municipal Service Centres	610,794
Human Resources	251,119
Corporate Services	20,609
Planning & Development	(1,283)
Fire & Ambulance Services	(257,077)
Facilities Management	(64,921)
Transportation Operations	19,414
Parks, Culture & Recreation	(8,194)
Total Variance	263,329

Amalgamation Savings

In 2001, Amalgamation related savings totalled $ 23.0 million as summarized in Council Report FCS01042 – 2001 Tax Budget Book 1: Tax Budget Summary and the subsequent final Council approved 2001 Budget. This was over and above the $23.0 million already saved annually through the City/Region administrative merger of 1999. In 2002 & 2003 budget savings were $9.0 million & $7.2 million respectively, bringing the total amalgamation related savings to $39.2 million. When the 1999 Region/City savings are included, total amalgamation savings were $62.2 million. It should be noted that these savings are permanent, ongoing reductions to the Budget and that further efficiencies and savings have been identified in the 2003 Budget under the City Manager's restructuring plans (estimated at $1.0 million in 2004).

The following table outlines the amalgamation-related savings by category while Appendix C lists the savings in more detail:

CITY OF HAMILTON
AMALGAMATION AND RELATED SAVINGS
BY CATEGORY ($ 000,000's)

	2001	2002	2003	Total
Restructuring	15.3	4.2	4.2	23.7
Additional Revenues	3.3			3.3
Alternative Service Delivery	-1.7			-1.7
Service Level Changes & Harmonization	2.2			2.2
Additional Budget Savings	3.9	4.8	3.0	11.7
Amalgamation Savings	23.0	9.0	7.2	39.2

The $39.0 million amalgamation savings were used to fund Business Tax Reductions, to offset tax increases for the residential property owners in 2001, and to fund other program budget pressures in 2002 and 2003. Of the $39.0 million savings, $12.3 was used in 2001. It should be noted that when the Provincial matching funds and Business education cuts are included, the total BTR reductions for 2001 and 2002 were $43.3 million. The remaining $26.9 million was used to offset the residential tax increases in 2002 & 2003.

BACKGROUND:

As part of the Transition Grant Agreement between the City of Hamilton and the Minister of Municipal Affairs & Housing made in March 2001, the City is to provide an expenditure report on transition costs for the fiscal years 2001, 2002 & 2003 by March 31st of the following year. The expenditure report must be supported by a resolution of Council. Also, as part of the agreement, a report must be submitted to taxpayers on restructuring savings achieved and how the City is passing these savings on to taxpayers. This report must be made public by June 30, 2003.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds for Transition Projects were provided by the Province of Ontario - $31,500,000 and by the City Reserves-$8,991,116. Amalgamation and other related savings for 2001, 2002 & 2003 were $39 million, with further savings of $1.0 million anticipated for 2004.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The following Departments/Sections have provided the information in Appendix A:

Corporate Secretariat
Finance & Corporate Services - Accounting Services, Information Technology, Human Resources
Planning & Development
Police
Community Services - Parks, Cemeteries, Culture & Recreation, Library Services, Facilities & Hamilton Emergency Services
T.O.E. - Waste Management, Fleet Services, Asset Management, Roads & H.S.R.

CITY STRATEGIC COMMITMENT:

N/A

APPENDIX A TO REPORT FCS03078

NEW CITY OF HAMILTON
REVISED ONE-TIME TRANSITION COSTS
BY DEPARTMENT

Department & Activity	Description	Per Report FCS01010b Total Costs	Revised Total Costs	Total Costs & Committed				% Complete	Variance From FCS01010b	Comments
				Expended		Required to Complete	Total			
				2001	2002					
		a	b	c	d	e	f=c+d+e	g=(c+d)/b	h=a-b	
VEP / VERP										
VEP / VERP	VEP / VERP & other severance's, incentives and training	12,453,752	12,760,884	12,760,884	-	-	12,760,884	100.0%	(307,132)	Complete
TRANSITION BOARD:										
Board & New City Manager Budget	staffing, secondments, communications, consulting, excl. ele	4,115,536	4,115,536	4,115,536	-	-	4,115,536	100.0%	-	Complete
CORPORATE SECRETARIAT:										
Municipal Service Centres	Leasehold improvements, office equipment, furniture	1,235,000	624,206	493,249	20,957	110,000	624,206	82.4%	610,794	Almost complete (Require additional $110,000 only)
Customer Contact Centre Ph 1, 2 & 3	improvements, equipment, office set up, software, hardware	3,180,000	1,930,000	912,255	24,775	992,970	1,930,000	48.6%	1,250,000	$1,250,000 Transferred to IP Telephony
Corporate Image Development		600,000	600,000	-	480,880	119,120	600,000	80.1%	-	To be completed in 2003
Bridging Communications	corporate communications strategy	160,000	160,000	90,510	-	69,490	160,000	56.6%	-	To be completed in 2004
Autumn Series 2000		15,000	15,000	15,000	-	-	15,000	100.0%	-	Complete
	Sub-total Corporate Secretariat	5,190,000	3,329,206	1,511,014	526,612	1,291,580	3,329,206	61.2%	1,860,794	
HUMAN RESOURCES:										
HR Policy Harmonization	internal staff time	122,240	122,240	-	43,501	78,739	122,240	35.6%	-	To be completed by Dec 31, 2003
Additional Services	temporary staffing, backfilling	161,603	161,603	66,863	-	94,740	161,603	41.4%	-	To be Completed in 2003
Union Job Evaluation & Compensation	consultant & support costs	412,700	412,000	-	-	412,000	412,000	0.0%	700	To be completed by Dec 31, 2004
Non-Union Compensation	consultant & support costs	170,615	170,615	16,293	117,934	36,388	170,615	78.7%	-	To be completed by Dec 31, 2003
VEP / VERP	administration, support & departmental backfilling	320,310	70,310	70,310	-		70,310	100.0%	250,000	Completed Dec 31, 2001
Negotiation of New Union Agreements	external legal services	300,000	300,000	235,392	64,608	-	300,000	100.0%	(0)	Completed Dec 31, 2002
CIMS roll out & Performance Management	staffing , facilitation, consulting, facilities	290,000	290,000	56,421	-	233,579	290,000	19.5%	-	To be completed by Dec 31, 2004
Leadership Roundtables	staffing and facilitation	147,200	147,200	147,200	-	-	147,200	100.0%	-	Completed Dec 31, 2001
Customer Contact Centre	staffing	10,946	10,496	10,496	-	-	10,496	100.0%	450	Complete
Additional Transition Recruitment Costs	staffing	8,167	8,167	8,167	-	-	8,167	100.0%	-	Completed Dec 31, 2001
Employee Communication	preparations, support, printing	5,690	5,690	5,690	-	-	5,690	100.0%	-	Complete
HRIS Payroll Amalgamation	agency support, staffing	624,691	624,691	624,691	-	-	624,691	100.0%	-	Complete
Career Management Training	administration and support, staffing	84,560	84,560	42,818	12,619	29,123	84,560	65.6%	(0)	To be completed by Dec 31, 2003
Transition Training		694,400	694,400	16,643	-	677,757	694,400	2.4%	(0)	To be completed by July 1, 2005
HR Training & Recruiting		120,000	120,030	1,495	25,158	93,377	120,030	22.2%	(30)	To be completed by Dec 31, 2003
	Total Human Resources	3,473,122	3,222,003	1,302,480	263,820	1,655,703	3,222,003	48.6%	251,119	
FINANCE & CORPORATE SERVICES:										
Information Technology										
Network Infrastructure & Telecom	extension of network to sites in City (point-point wireless)	480,000	420,000	100,000	95,000	225,000	420,000	46.4%	60,000	To be completed by Dec 31, 2005.$60,000 to IP Telephony
Network Infrastructure & Telecom	additional bandwidth to network hub	80,000	80,000	-	-	80,000	80,000	0.0%	-	To be completed by Dec. 31, 2003
IP Telephony	Combines Voice & Data Communications	300,000	1,875,000	-	44,000	1,831,000	1,875,000	2.3%	(1,575,000)	Approved FCS03007.$1,250,000 From Customer Contact Centre
Network Infrastructure & Telecom	integration & administration of voice networks	265,000	-	-	-	-	-		265,000	Moved To IP Telephony
IT Servers	PeopleSoft upgrades (license and upgrades)	160,000	160,000	-	160,000	-	160,000	100.0%	-	Complete
IT Servers	GIS database, viewer, consulting services	140,000	140,000	40,000	19,000	81,000	140,000	42.1%	-	To be completed by Dec. 31, 2003
IT Servers	unified property database	60,000	60,000	-	-	60,000	60,000	N/A	-	To be completed by Dec. 31, 2004
IT Servers	eCommerce server	30,000	30,000	15,000	-	15,000	30,000	50.0%	-	To be completed by Dec. 31, 2003
IT Software	E-business, web content, common front-end	300,000	300,000	20,000	-	280,000	300,000	6.7%	-	To be completed by Dec. 31, 2003
IT Software	PeopleSoft Automated Job Submission	120,000	120,000	-	120,000	-	120,000	100.0%	-	Complete
Staffing and Consulting IT	web, support, business staffing & consulting	270,000	270,000	135,000	-	135,000	270,000	50.0%	-	To be completed by Dec. 31, 2003
	Sub-total Information System	2,205,000	3,455,000	310,000	438,000	2,707,000	3,455,000	21.6%	(1,250,000)	

APPENDIX A TO REPORT FCS03078

NEW CITY OF HAMILTON
REVISED ONE-TIME TRANSITION COSTS
BY DEPARTMENT

Department & Activity	Description	Per Report FCS01010b Total Costs	Revised Total Costs	Total Costs & Committed				% Complete	Variance From FCS01010b	Comments
				Expended		Required to Complete	Total			
				2001	2002					
		a	b	c	d	e	f=c+d+e	g=(c+d)/b	h=a-b	
CORPORATE SERVICES										
Touch Screen Info System	on-line assessment info, hardware, software		-				-			
Tax System Conversion	hardware, software development	200,000	200,000	200,000	-	-	200,000	100.0%	-	Complete
Wide Area Centrex Phones	temporary measure to link tax departments	20,000	20,000	20,000	-	-	20,000	100.0%	-	Complete
Cheque Processing Equipment	high speed record payments, cheque encoding equip.	40,000	40,000	40,000	-	-	40,000	100.0%	-	Complete
EDI Banking Equipment	hardware, downloading equipment	3,000	3,000	3,000	-	-	3,000	100.0%	-	Complete
Corporate Management Services	review and consolidation of all administrative depts.	120,000	99,391	99,391	-	-	99,391	100.0%	20,609	Complete
External Legal Services	Standardization/consolidation of by-laws, consultants	425,000	425,000	425,000	-	-	425,000	100.0%	-	Complete
	Sub-total Corporate Services	808,000	787,391	787,391	-	-	787,391	100.0%	20,609	
	Total Finance & Corporate Services	3,013,000	4,242,391	1,097,391	438,000	2,707,000	4,242,391	36.2%	(1,229,391)	
PLANNING & DEVELOPMENT:										
New Official Plan, Zoning By-Law, Spatial Info & Tracking System	Preparation of consolidated/new official plan to update and replace 7 current official plan documents. Preparation of new zoning by-law to update & replace 6 current by-laws and development of an integrated spatial information tracking system to ensure intregation of its various divisions in the production of new data bases and business applications.	1,790,000	1,790,000	-	-	1,790,000	1,790,000	0.0%	-	Project start has been delayed and the scope of work expanded to support an integrated land use, infrastructure and capital financing strategy (GRIDS) responding to Provincial Smart Growth policies. These funds are now being combined with existing capital funds and new 2003 capital budget submissions to support a 2003-7 work plan. Details of the work plan are summarized in report PD02179(a) & FCS02110(a). Work program implementation will commence immediately upon 2003 budget approval.
Dev Agreement Consolidation	Provision for consulting services	20,000	20,000	-	-	20,000	20,000	0.0%	-	A substantial amount of work completed by in-house staff. All agreements are expected to be updated and streamlined by mid 2004. Completion of projects could not be done until guidelines such es Eng Design had been completed. May require retention of outside legal council for review.
Engineering Standards Manual	Provision for consulting services	60,000	60,000	-	19,521	40,479	60,000	32.5%	-	Project to be completed by late spring 2003. Several consultations with industry and presentations to Committee and Council required. Final draft to be ready by mid March 2003.
Stormwater Management Guidelines	Provision for consulting services	80,000	80,000	-	-	80,000	80,000	0.0%	-	This project is companion phase of Engineering Guidelines being worked on by staff in TOE along with consultant assigned Phillips Engineering . Project will be finished by end of 2003. The Dev Div portion for ascetic guidelines for storm water to be done by spring 2004.
Urban Design Standards & Site Plan	Provision for consulting services	75,000	75,000	-	71,044	3,956	75,000	94.7%	-	Project near completion. To be wrapped up by early summer 2003.
Electronic Draw Review - Software	Provision for consulting services	20,000	20,000	-	-	20,000	20,000	0.0%	-	In process of developing protocols and standards of electronic transfers and review of drawings between consulting industry and Engineering staff. Low priority due to competing work plan demands with higher priority. Expect completion by end of 2004.
Implementation of Amanda	Provision for consulting services	100,000	100,000	-	-	100,000	100,000	0.0%	-	Nothing done to date. There has been some initial strategy meetings . This project is labour intensive and requires dedicated Dev staff (cost of $30-$40k) to work on design aspects with outside consultants..
Costing study - digital data conversion project / AKA Electronic document management system (EDMS)	Provision for consulting services for an assessment of department needs and detailed costing of digital conversion and management of the property related data held by the P & D Dept.	100,000	101,283	-	44,050	57,233	101,283	43.5%	(1,283)	CMT delayed project start due to significant corporate implications regarding records management standards associated with this project. Project was initiated in November 2002 at a revised cost of $161,000. Phase 1 will be completed in March 2003 to establish document imaging/records management standards & costs for the entire corporation. Phase 2 will commence immediately thereafter to produce a detailed implementation plan (based on those standards) for the P&D Dept. Phase 2 will take approximately 30 days to complete.
Digital data conversion project	For the digital conversion of over 10 million hard copy/micro film documents in the P & D dept in order to offer planning & bldg permit & licensing services in the municipal service centres	1,500,000	1,500,000	-	934	1,499,066	1,500,000	0.1%	-	Phase 2 implementation plan will immediately result in RFP for consulting & data conversion services in May 2003. This will also include purchase and/or upgrade of document imaging hardware and software for Building the Building & Licensing Division.

NEW CITY OF HAMILTON
REVISED ONE-TIME TRANSITION COSTS
BY DEPARTMENT

Department & Activity	Description	Per Report FCS01010b Total Costs	Revised Total Costs	Total Costs & Committed				% Complete	Variance From FCS01010b	Comments
				Expended		Required to Complete	Total			
				2001	2002					
		a	b	c	d	e	f=c+d+e	g=(c+d)/b	h=a-b	
PLANNING & DEVELOPMENT Con't										
Comprehensive Review of Sign By-Law (Lic By-Law System)	To undertake comprehensive review of the sign by-law in order to provide appropriate and consistent standards across the new City.	300,000	300,000	-	-	300,000	300,000	0.0%	-	Project start has been delayed due to other corporate priorities - Downtown Streets Urban Design Master Plan - dictated by the needs of the 2003 World Cycling Championships. Staff are now finalizing terms of reference for consulting services in support of 2003 staff work program priorities. Project will begin April 2003.
Infrastructure Cost Sharing Study	Study of the issues,alternatives and formulation of policies related to financing of infrastructure projects.	70,000	70,000	-	-	70,000	70,000	0.0%	-	AJ Clark consultants hired for this study and work for Engineering Design Standards Manual . The work of the consultants was being done simultaneously with all costs charged to Eng Standards project dept id.
	Total Planning & Development	4,115,000	4,116,283	-	135,549	3,980,734	4,116,283	3.3%	(1,283)	
COMMUNITY SERVICES:										
Facilities										
Farmers Market, Ivor Wynn Review,Ski Hill	review assets	145,182	145,182	145,182	-	-	145,182	100.0%	-	**Complete**
Asset Management	Telephony Technical Team	40,000	58,504	58,504	-	-	58,504	100.0%	(18,504)	**Complete**
Alternative Service Delivery	Review of Internal vs External Sourcing	145,000	145,000	4,669	9,000	131,331	145,000	9.4%	-	**Project Ongoing**
Utility Management	utilities management, deregulation, restructuring	270,000	270,000	112,812	21,390	135,798	270,000	49.7%	-	**RFP for Energy Management In 2003**
RECAPP	Install Capital Asset Program	390,850	390,850	234,375	31,129	125,346	390,850	67.9%	-	**Building Audits to Begin in 2003**
Real Estate Master Plan	Real Estate Plan, Surplus properties	197,506	238,993	63,168	95,825	80,000	238,993	66.5%	(41,487)	**RFP Issued Jan 2003**
Integrated Facility Management System	Initiate CAFM/CIFM system	400,000	400,000	169,752	139,343	90,905	400,000	77.3%	-	**Installation complete-Data Collection Ongoing**
Master Accommodation Plan	Corporate Accommodation Plan study	62,461	62,461	62,461	-	-	62,461	100.0%	-	**Complete**
Needs Assessment - Recreation Strat Pln	Develop baseline performance date, feasibility studies	150,000	154,930	51,600	103,330	-	154,930	100.0%	(4,930)	**Complete**
	Sub-total Facilities	1,800,999	1,865,920	902,523	400,017	563,380	1,865,920	69.8%	(64,921)	
Library Services										
Library Restructuring	Training	48,000	48,000	-	-	48,000	48,000	0.0%	-	**To Begin In 2003**
Library Restructuring	Epixtech Database (automated library system)	468,465	468,465	468,465	-	-	468,465	100.0%	-	**Complete**
Library Restructuring	New signage, publicity material, stationary	61,000	61,000	-	-	61,000	61,000	0.0%	-	**To Begin In 2003**
	Sub-total Library Services	577,465	577,465	468,465	-	109,000	577,465	81.1%	-	
Fire, Ambulance, Police										
Fire: Standardization / Identification	cascade 23 & 12	25,000	184,982	43,310	116,672	25,000	184,982	86.5%	(159,982)	**2003 Completeion**
Fire: Standardization / Identification	software licensing to facilitate service delivery changes	20,000	20,000	-	20,000	-	20,000	100.0%	-	**Complete**
Fire: Standardization / Identification	vehicle / uniform identification	155,000	126,501	126,501	-	-	126,501	100.0%	28,499	**Complete**
Fire: Station Upgrades	minor upgrades	79,200	113,022	-	113,022	-	113,022	100.0%	(33,822)	**Complete**
Fire: Station Upgrades	station # 17, 12., 11	170,000	314,673	96,249	73,751	144,672	314,673	54.0%	(144,673)	**2003 Completeion**
Fire: Station Upgrades	exhaust extractors	155,630	143,318	29,015	114,303	-	143,318	100.0%	12,312	**Complete**
Fire: Station Upgrades	Zeltron alerting system	52,800	52,800	-	52,800	-	52,800	100.0%	-	**Complete**
Fire: Health & Safety	S.C.B.A.'s	249,604	249,582	249,582	-	-	249,582	100.0%	22	**Complete**
Fire: Health & Safety	bunker gear	238,927	214,438	214,438	-	-	214,438	100.0%	24,489	**Complete**
Fire: Health & Safety	fleet assessment & upgrades	250,000	243,425	202,341	16,084	25,000	243,425	89.7%	6,575	**2003 Completeion**
Emergency Services Communications	Trunked Radio system	168,500	168,500	-	168,500		168,500	100.0%	-	**Complete**
EMS: Insurance Audit	Consultant Study	23,000	23,000	-		23,000	23,000	0.0%	-	**2003 Completeion**
EMS: Organizational Structural Study	Consultant Study	10,481	10,481	10,481	-	-	10,481	100.0%	-	**Complete**
Police Service	badges, uniforms	194,600	165,586	165,586	-	-	165,586	100.0%	29,014	**Complete**
Police Service	New signage, publicity material, stationary	61,000	80,511	80,511	-	-	80,511	100.0%	(19,511)	**Complete**
	Sub-total Fire, Ambulance & Police	1,853,742	2,110,819	1,218,014	675,133	217,672	2,110,819	89.7%	(257,077)	
Parks, Culture & Recreation										
Parks	IT implementation									
Cemeteries Restructuring	centralized administration, relocations, renovations	25,000	25,000	-	-	25,000	25,000	0.0%	-	**To begin in 2003**
Cemeteries	IT implementation	250,000	250,000	-	-	250,000	250,000	0.0%	-	**To begin in 2003**
Culture & Recreation	Class facility booking & program registration system, server	260,000	268,194	-	268,194	-	268,194	100.0%	(8,194)	**Complete**
	Sub-total Parks, Culture & Recreation	535,000	543,194	-	268,194	275,000	543,194	49.4%	(8,194)	
	Total Community Services	4,767,206	5,097,398	2,589,002	1,343,344	1,165,052	5,097,398	77.1%	(330,192)	

NEW CITY OF HAMILTON
REVISED ONE-TIME TRANSITION COSTS
BY DEPARTMENT

Department & Activity	Description	Per Report FCS01010b Total Costs	Revised Total Costs	Total Costs & Committed				% Complete	Variance From FCS01010b	Comments
				Expended		Required to Complete	Total			
				2001	2002					
		a	b	c	d	e	f=c+d+e	g=(c+d)/b	h=a-b	
TRANS., OPER., & ENVIRONMENT (TOE):										
Garbage Collection,Waste Management	RFP for Waste Collection Services	90,000	90,000	90,000	-	-	90,000	100.0%	-	Completed
Garbage Collection,Waste Management	Waste Collection Services Harmonization	260,000	260,000	-	260,000	-	260,000	100.0%	-	Completed
	Sub-total Waste Management	350,000	350,000	90,000	260,000	-	350,000	100.0%	-	
Asset Management & Infrastructure Maintenance	Entry signing and Glanbrook speed limit signing changes	50,000	49,999	15,049	10,551	24,399	49,999	51.2%	2	To be completed in 2003
Asset Management & Infrastructure Maintenance	Route optimization study	100,000	100,008	32,208	60,224	7,576	100,008	92.4%	(8)	To be completed in 2003
Asset Management & Infrastructure Maintenance	Maintenance yards study	20,000	20,000	-	-	20,000	20,000	0.0%	-	To begin in 2003
Asset Management & Infrastructure Maintenance	Maintenance yards improvements	650,000	650,000	-	-	650,000	650,000	0.0%	-	To begin in 2003
Asset Management & Infrastructure Maintenance	Expansion of Radio Trunking system	80,000	80,000	-	-	80,000	80,000	0.0%	-	
Asset Management & Infrastructure Maintenance	Capital Asset Management system		-				-			
Asset Management & Infrastructure Maintenance	Pavement Management System	140,000	118,093	77,384	40,709	-	118,093	100.0%	21,907	Complete
Asset Management & Infrastructure Maintenance	Data Collection -Pavement Management System	200,000	197,515	140,940	56,575	-	197,515	100.0%	2,485	Complete
Asset Management & Infrastructure Maintenance	Bridge Management System	25,000	38,942	38,942	-	-	38,942	100.0%	(13,942)	Complete
Asset Management & Infrastructure Maintenance	Bridge Condition Assessment	85,000	95,450	-	95,450	-	95,450	100.0%	(10,450)	Complete
Asset Management & Infrastructure Maintenance	Maintenance Management system	200,000	200,000	-	20,005	179,995	200,000	10.0%	-	To be completed in 2003
Asset Management & Infrastructure Maintenance	Technology improvements	250,000	250,000	19,530	51,315	179,155	250,000	28.3%	-	To be completed in 2003
	Sub-total Asset Management & Infrastructure Mtnce	1,800,000	1,800,006	324,052	334,829	1,141,125	1,800,006	36.6%	(6)	
Fleet Services Restructuring	Computerized fuel system	150,000	150,000	150,000	-	-	150,000	100.0%	-	Complete
Fleet Services Restructuring	Convert vans to mechanical service vehicles	50,000	51,848	-	51,848	-	51,848	100.0%	(1,848)	Complete
Fleet Services Restructuring'	Maintenance Management System	300,000	300,000	-	-	300,000	300,000	0.0%	-	To be completed in 2003
IT Fleet Services Amalgamation	hardware, software, licensing, accounting changes	553,500	553,500	350,000	-	203,500	553,500	63.2%	-	To be completed in 2003
IT Fleet Services Amalgamation	RFP for Fleet management & business case analysis	50,000	50,000	-	50,000	-	50,000	100.0%	-	Complete
	Sub-total Fleet Services	1,103,500	1,105,348	500,000	101,848	503,500	1,105,348	54.4%	(1,848)	
Transit	smart card technology	50,000	28,731	28,731	-	-	28,731	100.0%	21,269	Remainder deferred to Future Budgets
	Sub-total Transit	50,000	28,731	28,731	-	-	28,731	100.0%	21,269	
	Total Transportation, Opertions & Environment	3,303,500	3,284,086	942,783	696,678	1,644,625	3,284,086	49.9%	19,414	
OTHER										
Education	temporary school bus transportation (n/w Flambé. to Waterlo	50,000	50,000	50,000	-	-	50,000	100.0%	-	
Economic Development	alternative delivery method for Tourism & Convention Servic	10,000	10,000	-	10,000	-	10,000	100.0%	-	
	TOTAL	40,491,116	40,227,787	24,369,091	3,414,002	12,444,694	40,227,787	69.1%	263,329	

NEW CITY OF HAMILTON
REVISED ONE-TIME TRANSITION COSTS
BY DEPARTMENT

Department & Activity	Description	Per Report FCS01010b Total Costs	Revised Total Costs	Total Costs & Committed				% Complete	Variance From FCS01010b	Comments
				Expended		Required to Complete	Total			
				2001	2002					
		a	b	c	d	e	f=c+d+e	g=(c+d)/b	h=a-b	
PROJECTS DEFERRED TO 2001 CAPITAL BUDGET & BEYOND										
Municipal Service Centres	Leasehold improvements, office equipment, furniture	360,000								
Corporate Integrated Management System (CIMS)	policy development, project mgmt, consulting, system softwa	100,000								
Corporate Image Development		1,150,000								**$600,000 was approved as part of the above Transition Costs.**
Corporate Policy Development	harmonization and new policy	350,000								
Training Strategy	customer service, project mgmt, data analysis, process chan	1,000,000								
Records Management Strategy	consulting services, temporary staff	250,000	370,000		56,595	-	56,595	15.3%	(120.000)	**$235,000 was approved in 2002 & $135,000 in 2003.**
Risk Management	Certificate Registry system	80,000								
New Budget Module	new system, software, staffing	200,000								
Purchasing / Payables Systems	consulting, software interface	100,000								
Emergency Services Communications	Trunked Radio system	1,016,000	1,016,000	508,505	238,892	-	747,397	73.6%	-	**Approved as part of 2001 Capital Budget**
Roads & Sidewalks Maintenance	Data Collection -Pavement Management System	150,000								
Roads & Sidewalks Maintenance	Training	400,000								
Roads & Sidewalks Maintenance	Technology improvements	750,000								
HSR, IT & Various applications	smart card technology	490,000								
WSIB Insurance	integrating and fully funding self insurance plans	5,000,000								
PeopleSoft System Upgrade	web based version upgrade, training, licensing, consulting	2,300,000	2,600,000	209,155	1,269,785	-	1,478,940	56.9%	(300,000)	**Approved as part of 2001 Capital Budget**
	Total Deferred Projects	13,696,000	3,986,000							
	GRAND TOTAL	54,187,116	44,213,787	24,369,091	3,414,002	12,444,694	40,227,787	62.8%	263,329	

NEW CITY OF HAMILTON
ONE-TIME TRANSITION COSTS
BY COST CATEGORY

Cost Category	Description	Per Report FCS01010b Total Costs	Revised Total Costs	Total Costs & Committed				From Transition Grant $31,500,000			From City Reserves $8,981,116		
				Expended		Required to Complete	Total						
				2001	2002			2001	2002	Committed	2001	2002	Committed
STAFFING ADJUSTMENTS													
VEP / VERP	VEP / VERP & other severance's, incentives and training	12,453,752	12,760,884	12,760,884	-	-	12,760,884	12,760,884					
Sub-total		12,453,752	12,760,884	12,760,884	-	-	12,760,884	12,760,884	-	-	-	-	-
TRANSITION COSTS													
Board & New City Manager Budget	staffing, secondments, communications, consulting, excl election	4,115,536	4,115,536	4,115,536	-	-	4,115,536	4,115,536					
Garbage Collection,Waste Management	RFP for Waste Collection Services	90,000	90,000	90,000	-	-	90,000	90,000					
Education	temporary school bus transportation (n/w Flambé to Waterloo)	50,000	50,000	50,000	-	-	50,000	50,000					
Sub-total		4,255,536	4,255,536	4,255,536	-	-	4,255,536	4,255,536	-	-	-	-	-
INTEGRATING BY-LAWS, GUIDELINES , PLANS ETC.													
External Legal Services	Standardization/consolidation of by-laws, consultants	425,000	425,000	425,000	-	-	425,000				425,000		
New Official Plan, Zoning By-Law, Spatial Info & Tracking System	Preparation of consolidated/new official plan to update and replace 7	1,790,000	1,790,000	-	-	1,790,000	1,790,000			1,790,000			
Dev Agreement Consolidation	Provision for consulting services	20,000	20,000	-	-	20,000	20,000			20,000			
Engineering Standards Manual	Provision for consulting services	60,000	60,000	-	19,521	40,479	60,000		19,521	40,479			
Storm Water Management Guidelines	Provision for consulting services	80,000	80,000	-	-	80,000	80,000			80,000			
Urban Design Standards & Site Plan	Provision for consulting services	75,000	75,000	-	71,044	3,956	75,000		71,044	3,956			
Electronic Draw Review - Software	Provision for consulting services	20,000	20,000	-	-	20,000	20,000			20,000			
Implementation of Amanda	Provision for consulting services	100,000	100,000	-	-	100,000	100,000			100,000			
Costing study - digital data conversion project / AKA Electronic document management system (EDMS)	Provision for consulting services for an assessment of department n	100,000	101,283	-	44,050	57,233	101,283		44,050	57,233			
Digital data conversion project	For the digital conversion of over 10 million hard copy/micro film do	1,500,000	1,500,000	-	934	1,499,066	1,500,000		934	1,499,066			
Comprehensive Review of Sign By-Law (Lic By-Law System)	To undertake comprehensive review of the sign by-law in order to pr	300,000	300,000	-	-	300,000	300,000			300,000			
Sub-total		4,470,000	4,471,283	425,000	135,549	3,910,734	4,471,283	-	135,549	3,910,734	425,000	-	-
EFFICIENCY IMPROVEMENTS													
Infrastructure Cost Sharing Study	Study of the issues,alternatives and formulation of policies related to	70,000	70,000	-	-	70,000	70,000						70,000
Alternative Service Delivery	Review of Internal vs External Sourcing	145,000	145,000	4,669	9,000	131,331	145,000	4,669	9,000	131,331			
Needs Assessment - Recreation Strat Pln	Develop baseline performance date, feasibility studies	150,000	154,930	51,600	103,330	-	154,930	51,600	103,330	-			
Library Restructuring	Epixtech Database (automated library system)	468,465	468,465	468,465	-	-	468,465	468,465					
Emergency Services	development of new automated mapping system	-	-			-	-						
Garbage Collection,Waste Management	Waste Collection Services Harmonization	260,000	260,000	-	260,000	-	260,000		260,000				
Asset Management & Infrastructure Maintenance	Route optimization study	100,000	100,008	32,208	60,224	7,576	100,008	32,208				60,224	7,576
Asset Management & Infrastructure Maintenance	Maintenance yards study	20,000	20,000	-	-	20,000	20,000						20,000
Asset Management & Infrastructure Maintenance	Maintenance yards improvements	650,000	650,000	-	-	650,000	650,000						650,000
Asset Management & Infrastructure Maintenance	Technology improvements	250,000	250,000	19,530	51,315	179,155	250,000				19,530	51,315	179,155
Transit	smart card technology	50,000	28,731	28,731	-	-	28,731	28,731					
Economic Development	alternative delivery method for Tourism & Convention Services	10,000	10,000	-	10,000	-	10,000		10,000				
Sub-total		2,173,465	2,157,134	605,203	493,869	1,058,062	2,157,134	585,673	382,330	131,331	19,530	111,539	926,731

NEW CITY OF HAMILTON
ONE-TIME TRANSITION COSTS
BY COST CATEGORY

Cost Category	Description	Per Report FCS01010b Total Costs	Revised Total Costs	Total Costs & Committed				From Transition Grant $31,500,000			From City Reserves $8,981,116		
				Expended		Required to Complete	Total						
				2001	2002			2001	2002	Committed	2001	2002	Committed
INTEGRATING INFORMATION SYSTEMS													
Network Infrastructure & Telecom	extension of network to sites in City (point-point wireless)	480,000	420,000	100,000	95,000	225,000	420,000	100,000		-		95,000	225,000
Network Infrastructure & Telecom	additional bandwidth to network hub	80,000	80,000	-	-	80,000	80,000						80,000
IP Telephony	Combines Voice & Data Communications	300,000	1,875,000	-	44,000	1,831,000	1,875,000					44,000	1,831,000
Network Infrastructure & Telecom	integration & administration of voice networks	265,000	-	-	-	-	-						-
IT Servers	PeopleSoft upgrades (license and upgrades)	160,000	160,000	-	160,000	-	160,000					160,000	
IT Servers	GIS database, viewer, consulting services	140,000	140,000	40,000	19,000	81,000	140,000	40,000				19,000	81,000
IT Servers	unified property database	60,000	60,000	-	-	60,000	60,000						60,000
IT Servers	eCommerce server	30,000	30,000	15,000	-	15,000	30,000	15,000					15,000
IT Software	E-business, web content, common front-end	300,000	300,000	20,000	-	280,000	300,000	20,000					280,000
IT Software	PeopleSoft Automated Job Submission	120,000	120,000	-	120,000	-	120,000					120,000	
Staffing and Consulting IT	web, support, business staffing & consulting	270,000	270,000	135,000	-	135,000	270,000	135,000					135,000
Tax System Conversion	hardware, software development	200,000	200,000	200,000	-	-	200,000	200,000					
Wide Area Centrex Phones	temporary measure to link tax departments	20,000	20,000	20,000	-	-	20,000	20,000					
Cheque Processing Equipment	high speed record payments, cheque encoding equip.	40,000	40,000	40,000	-	-	40,000	40,000					
EDI Banking Equipment	hardware, downloading equipment	3,000	3,000	3,000	-	-	3,000	3,000					
Asset Management	Telephony Technical Team	40,000	58,504	58,504	-	-	58,504	58,504					
Utility Management	utilities management, deregulation, restructuring	270,000	270,000	112,812	21,390	135,798	270,000	112,812	21,390	135,798			
RECAPP	Install Capital Asset Program	390,850	390,850	234,375	31,129	125,346	390,850	234,375	31,129	125,346			
Real Estate Master Plan	Real Estate Plan, Surplus properties	197,506	238,993	63,168	95,825	80,000	238,993	63,168	95,825	80,000			
Integrated Facility Management System	Initiate CAFM/CIFM system	400,000	400,000	169,752	139,343	90,905	400,000	169,752	139,343	90,905			
Fire: Standardization / Identification	software licensing to facilitate service delivery changes	20,000	20,000	-	20,000	-	20,000		20,000				
Emergency Services Communications	Trunked Radio system	168,500	168,500	-	168,500	-	168,500		168,500				
Cemeteries	IT implementation	250,000	250,000	-	-	250,000	250,000						250,000
Culture & Recreation	Class facility booking & program registration system, server	260,000	268,194	-	268,194	-	268,194					268,194	
Asset Management & Infrastructure Maintenance	Expansion of Radio Trunking system	80,000	80,000	-	-	80,000	80,000						80,000
Asset Management & Infrastructure Maintenance	Pavement Management System	140,000	118,093	77,384	40,709	-	118,093				77,384	40,709	
Asset Management & Infrastructure Maintenance	Data Collection -Pavement Management System	200,000	197,515	140,940	56,575	-	197,515				140,940	56,575	
Asset Management & Infrastructure Maintenance	Bridge Management System	25,000	38,942	38,942	-	-	38,942	38,942					
Asset Management & Infrastructure Maintenance	Bridge Condition Assessment	85,000	95,450	-	95,450	-	95,450					95,450	
Asset Management & Infrastructure Maintenance	Maintenance Management system	200,000	200,000	-	20,005	179,995	200,000					20,005	179,995
Fleet Services Restructuring	Computerized fuel system	150,000	150,000	150,000	-	-	150,000	150,000					
Fleet Services Restructuring	Maintenance Management System	300,000	300,000	-	-	300,000	300,000						300,000
IT Fleet Services Amalgamation	hardware, software, licensing, accounting changes	553,500	553,500	350,000	-	203,500	553,500	350,000					203,500
Sub-total		6,198,356	7,516,541	1,968,876	1,395,121	4,152,544	7,516,541	1,750,553	476,187	432,049	218.323	918,934	3,720,495
INTEGRATING COMMUNICATION													
Corporate Image Development		600,000	600,000	-	480,880	119,120	600,000					480,880	119,120
Bridging Communications	corporate communications strategy	160,000	160,000	90,510	-	69,490	160,000	90,510		69,490			
Autumn Series 2000		15,000	15,000	15,000	-	-	15,000	15,000					
Sub-total		775,000	775,000	105,510	480,880	188,610	775,000	105,510	-	69,490	-	480.880	119,120

NEW CITY OF HAMILTON
ONE-TIME TRANSITION COSTS
BY COST CATEGORY

Cost Category	Description	Per Report FCS01010b Total Costs	Revised Total Costs	Total Costs & Committed				From Transition Grant $31,500,000			From City Reserves $8,981,116		
				Expended		Required to Complete	Total						
				2001	2002			2001	2002	Committed	2001	2002	Committed
INTEGRATING STAFF & STAFF RESOURCES													
Municipal Service Centres	Leasehold Improvements, office equipment, furniture	1,235,000	624,206	493,249	20,957	110,000	624,206	493,249	20,957	110,000			
Customer Contact Centre Ph 1, 2 & 3	improvements, equipment, office set up, software, hardware	3,180,000	1,930,000	912,255	24,775	992,970	1,930,000	912,255	24,775	347,970			645,000
HR Policy Harmonization	internal staff time	122,240	122,240	-	43,501	78,739	122,240		43,501				78,739
HR Additional Services	temporary staffing, backfilling	161,603	161,603	66,863	-	94,740	161,603	66,863		25,499			69,241
Union Job Evaluation & Compensation	consultant & support costs	412,700	412,000	-	-	412,000	412,000			412,000			
Non-Union Compensation	consultant & support costs	170,615	170,615	16,293	117,934	36,388	170,615	16,293	117,934	36,388			
VEP / VERP	administration, support & departmental backfilling	320,310	70,310	70,310	-		70,310				70,310		
Negotiation of New Union Agreements	external legal services	300,000	300,000	235,392	64,608	-	300,000	235,392	64,608				
CIMS roll out & Performance Management	staffing , facilitation, consulting, facilities	290,000	290,000	56,421	-	233,579	290,000				56,421		233,579
Leadership Roundtables	staffing and facilitation	147,200	147,200	147,200	-	-	147,200				147,200		
Customer Contact Centre	staffing	10,946	10,496	10,496	-	-	10,496	10,496					
Additional Transition Recruitment Costs	staffing	8,167	8,167	8,167	-	-	8,167	8,167					
Employee Communication	preparations, support, printing	5,690	5,690	5,690	-	-	5,690	5,690					
HRIS Payroll Amalgamation	agency support, staffing	624,691	624,691	624,691	-	-	624,691	624,691					
Career Management Training	administration and support, staffing	84,560	84,560	42,818	12,619	29,123	84,560	42,818	12,619				29,123
Transition Training		694,400	694,400	16,643	-	677,757	694,400	16,643		522,758			154,999
HR Training & Recruiting		120,000	120,030	1,495	25,158	93,377	120,030	1,495	25,158	93,377			
Corporate Management Services	review and consolidation of all administrative depts	120,000	99,391	99,391	-	-	99,391	99,391					
Master Accommodation Plan	Corporate Accommodation Plan study	62,461	62,461	62,461	-	-	62,461	62,461					
Library Restructuring	Training	48,000	48,000	-	-	48,000	48,000						48,000
EMS: Insurance Audit	Consultant Study	23,000	23,000	-	-	23,000	23,000			23,000			
EMS: Organizational Structural Study	Consultant Study	10,481	10,481	10,481	-	-	10,481	10,481					
Cemeteries Restructuring	centralized administration, relocations, renovations	25,000	25,000	-	-	25,000	25,000						25,000
Sub-total		8,177,064	6,044,542	2,880,317	309,552	2,854,673	6,044,542	2,606,386	309,552	1,570,991	273,931	-	1,283,681
REVIEW MUNICIPAL ASSETS													
Farmers Market, Ivor Wynn Review,Ski Hill	review assets	145,182	145,182	145,182	-	-	145,182	145,182					
Sub-total		145,182	145,182	145,182	-	-	145,182	145,182	-	-	-	-	-

NEW CITY OF HAMILTON
ONE-TIME TRANSITION COSTS
BY COST CATEGORY

Cost Category	Description	Per Report FCS01010b Total Costs	Revised Total Costs	Total Costs & Committed				From Transition Grant $31,500,000			From City Reserves $8,981,116		
				Expended		Required to Complete	Total	2001	2002	Committed	2001	2002	Committed
				2001	2002								
STANDARDIZATION OF EQUIPMENT VEHICLES,SIGNS,UNIFORMS ETC)													
Police Service	badges, uniforms	194,600	165,586	165,586	-	-	165,586	165,586					
Police Service	New signage, publicity material, stationary	61,000	80,511	80,511	-	-	80,511	80,511					
Library Restructuring	New signage, publicity material, stationary	61,000	61,000	-	-	61,000	61,000			61,000			
Fire: Standardization / Identification	cascade 23 & 12	25,000	184,982	43,310	116,672	25,000	184,982	43,310	116,672	25,000			
Fire: Standardization / Identification	vehicle / uniform identification	155,000	126,501	126,501	-	-	126,501	126,501					
Fire: Station Upgrades	minor upgrades	79,200	113,022	-	113,022	-	113,022		113,022				
Fire: Station Upgrades	station # 17	170,000	314,673	96,249	73,751	144,673	314,673	96,249	73,751				144,673
Fire: Station Upgrades	exhaust extractors	155,630	143,318	29,015	114,303	-	143,318	29,015	114,303				
Fire: Station Upgrades	Zeltron alerting system	52,800	52,800	-	52,800	-	52,800		52,800				
Fire: Health & Safety	S.C.B.A.'s	249,604	249,582	249,582	-	-	249,582	249,582					
Fire: Health & Safety	bunker gear	238,927	214,438	214,438	-	-	214,438	214,438					
Fire: Health & Safety	fleet assessment & upgrades	250,000	243,425	202,341	16,084	25,000	243,425	202,341	16,084	25,000			
Asset Management & Infrastructure Maintenance	Entry signing and Glanbrook speed limit signing changes	50,000	49,999	15,049	10,551	24,399	49,999	15,049				10,551	24,399
Fleet Services Restructuring	Convert vans to mechanical service vehicles	50,000	51,848	-	51,848	-	51,848		51,848	-		-	
IT Fleet Services Amalgamation	RFP for Fleet management & business case analysis	50,000	50,000	-	50,000	-	50,000					50,000	-
Sub-total		1,842,761	2,101,686	1,222,582	599,032	280,072	2,101,686	1,222,582	538,481	111,000	-	60,551	169,072
	GRAND SUB-TOTAL	40,491,116	40,227,787	24,369,091	3,414,002	12,444,694	40,227,787	23,432,306	1,842,099	6,225,595	936,784	1,571,904	6,219,099

APPENDIX C TO REPORT FCS03078

CITY OF HAMILTON
AMALGAMATION SAVINGS
BY TASK FORCE

Task Force	Description	2001	2002	2003	Total 2001 - 2003
Municipal Service Centre					
Call Centre	*Staffing, operational costs restructuring*	2,403,390	(660,050)	(552,850)	1,190,490
	Sub-total	**2,403,390**	**(660,050)**	**(552,850)**	**1,190,490**
Communications					
Print Shop	*Consolidation of Police, Library & Clerks print shops*	(142,320)	(188,350)	(85,530)	(416,200)
	Sub-total	**(142,320)**	**(188,350)**	**(85,530)**	**(416,200)**
Information Technology					
	Increased network connections & Software	401,480	(285,000)	(215,000)	(98,520)
	Sub-total	**401,480**	**(285,000)**	**(215,000)**	**(98,520)**
Library					
Restructuring	*Restructuring*	(540,300)	(320,000)	(250,000)	(1,110,300)
	Sub-total	**(540,300)**	**(320,000)**	**(250,000)**	**(1,110,300)**
Asset Management					
Utility Management	*Consulting, technical audits*	(857,870)			(857,870)
	Sub-total	**(857,870)**	**0**	**0**	**(857,870)**
Culture & Recreation					
Restructuring	*Redundant senior management*	(636,880)			(636,880)
	Sub-total	**(636,880)**	**0**	**0**	**(636,880)**
Fire, Ambulance, Police					
Restructuring	*Restructuring*	(313,810)			(313,810)
	Sub-total	**(313,810)**	**0**	**0**	**(313,810)**
Garbage Collection, Waste Management					
Waste Management	*Operational Efficiencies & New Contract*	(1,100,000)			(1,100,000)
	Sub-total	**(1,100,000)**	**0**	**0**	**(1,100,000)**
Roads & Sidewalks					
Maintenance	*Winter, sidewalk,surface,shoulder,sweeping*	(500,000)			(500,000)
	Sub-total	**(500,000)**	**0**	**0**	**(500,000)**
Fleet Services					
Restructuring	*Fleet and staff consolidation*	(2,517,910)			(2,517,910)
	Sub-total	**(2,517,910)**	**0**	**0**	**(2,517,910)**
Finance & Corporate Services					
Consolidation of Financial Services	*External Audits, Cash handling*	(150,000)			(150,000)
Legal Services	*Staffing, operational costs restructuring*	(594,210)	(49,780)		(643,990)
Legal	*2 additional FTE's*	145,000			145,000
Clerks	*Restructuring*	(508,570)	(42,940)		(551,510)
Restructuring	*Restructuring - staff*	(1,710,090)	(203,280)		(1,913,370)
Harmonizing Tax Systems	*Due dates, penalty & interest rates*	(1,100,000)			(1,100,000)
Policy Changes	*Senior tax credits, grants, penalty & interest rates*	0	(500,000)		(500,000)
	Sub-total	**(3,917,870)**	**(796,000)**	**0**	**(4,713,870)**
Planning & Housing					
Housing	*Program savings*	0	(125,230)		(125,230)
Restructuring	*Restructuring - staff*	(501,240)	(139,515)		(640,755)
	Sub-total	**(501,240)**	**(264,745)**	**0**	**(765,985)**

CITY OF HAMILTON
AMALGAMATION SAVINGS
BY TASK FORCE

Task Force	Description	2001	2002	2003	Total 2001 - 2003
Licensing, Inspections & By-law					
	Financing (debt payment, reserve transfer	(63,820)			(63,820)
	Increase parking fines	(485,000)			(485,000)
Restructuring	*Restructuring - staff*	(115,000)			(115,000)
	Pursuit of non-parking revenues	(130,000)			(130,000)
	Divesting of surplus parking lots	(65,000)			(65,000)
	Reduce free parking program (Reduced)	(660,000)			(660,000)
	Sub-total	**(1,518,820)**	**0**	**0**	**(1,518,820)**
Building					
Restructuring	*Restructuring, best practices*	(444,620)			(444,620)
	Facility cost savings	(500,000)		(1,000,000)	(1,500,000)
	Efficiency savings	(350,000)	(546,500)	(412,960)	(1,309,460)
	Sub-total	**(1,294,620)**	**(546,500)**	**(1,412,960)**	**(3,254,080)**
Transit					
Fleet/Facility	*Reduced maintenance costs*	(212,430)			(212,430)
	Sub-total	**(212,430)**	**0**	**0**	**(212,430)**
Cemeteries					
Restructuring	*Restructuring - staff*	(175,400)			(175,400)
	Sub-total	**(175,400)**	**0**	**0**	**(175,400)**
	TOTAL	**(11,424,600)**	**(3,060,645)**	**(2,516,340)**	**(17,001,585)**
OTHER RE-ORGANIZATIONAL COSTS / SAVINGS :					
Legislative	*Staffing, operational costs restructuring*	(90,020)			(90,020)
Mayors Office	*Staffing, operational costs restructuring*	(29,230)			(29,230)
City Manager's Office	*Staffing, operational costs restructuring*	(683,670)			(683,670)
Corporate Secretariat	*Executive Director*	373,930			373,930
Internal Audit	*Independent Appraisal of operations & controls*	119,590	(25,000)	(64,320)	30,270
Corporate Effectiveness	*Promote Innovation & improved service delivery*	186,980	(581,320)	(134,770)	(529,110)
Parking Services	*Increased Enforcement*	(360,000)		(20,000)	(380,000)
Development Program	*Enterprise Model*	(433,940)			(433,940)
Building & Licensing	*Increase Licensing Categories*	(401,000)			(401,000)
Provincial Offences Administration	*Increased Fines and collections*	(1,394,550)	(450,000)	(500,000)	(2,344,550)
Animal Control	*Harmonize Dog Licenses & increase licensing compliance*	(180,000)	(327,000)	(125,000)	(632,000)
	Alternative Service Delivery	(144,250)			(144,250)
Downtown Renewal	*Staffing, operational costs restructuring*	161,000	(18,000)		143,000
Economic Development	*Assume Operations of Small Business Enterprise*	(13,630)			(13,630)
	Staffing, operational costs restructuring	51,980			51,980
Police Services	*Reduction in Services*	(100,000)	(100,000)		(200,000)
Community Services					
General Manager	*Staffing, operational costs restructuring*	0	(200,000)		(200,000)
Design & Construction	*Staffing, operational costs restructuring*	(780,290)			(780,290)
Culture & Recreation	*Service Level Harmonization*	(647,650)	(410,000)	(585,400)	(1,643,050)
Parks	*Staffing, operational costs restructuring*	(110,000)	(131,770)		(241,770)
Financial Services	*Investment Income*	(2,000,000)			(2,000,000)
Corporate Restructuring/Savings	*Staffing, operational costs restructuring*	(2,451,280)	(3,302,530)	(1,777,900)	(7,531,710)

CITY OF HAMILTON
AMALGAMATION SAVINGS
BY TASK FORCE

Task Force	Description	2001	2002	2003	Total 2001 - 2003
OTHER RE-ORGANIZATIONAL COSTS / SAVINGS : Con't					
Human Resources	*Staffing, operational costs restructuring*	194,610	-	(49,800)	144,810
Transport., Operations & Environment					
Hamilton Street Railway	*Fare Increase*	(500,000)			(500,000)
Roads & Traffic	*Staffing, operational costs restructuring*	(1,254,110)	(279,080)		(1,533,190)
Finance & Administration	*Staffing, operational costs restructuring*	(600,920)	(115,715)	(266,800)	(983,435)
Design & Construction	*Staffing, operational costs restructuring*	(1,236,790)		(88,140)	(1,324,930)
Infrastructure Planning	*Staffing, operational costs restructuring*	(881,260)	(37,530)	(64,100)	(982,890)
Waste Management	*Staffing, operational costs restructuring*	1,629,100	(15,000)	(1,000,000)	614,100
	Subtotal	**(11,575,400)**	**(5,992,945)**	**(4,676,230)**	**(22,244,575)**

TOTAL AMALGAMATION SAVINGS	**(23,000,000)**	**(9,053,590)**	**(7,192,570)**	**(39,246,160)**

APPENDIX D TO REPORT FCS03078

CITY OF HAMILTON
REGIONAL TRANSITION ASSISTANCE
ANNUAL REPORT

STATEMENT OF FINANCIAL POSITION
AS AT DECEMBER 31, 2002
with projections

	Dec 31 2001	Dec 31 2002	Projected 2003 & Later
ASSETS			
Cash	8,067,694	6,225,595	-
TOTAL ASSETS	8,067,694	6,225,595	-
LIABILITIES			
Deferred Revenue - Transition Assistance	5,629,322	2,093,923	-
FUND BALANCE	2,438,372	4,131,672	-
TOTAL LIABILITIES AND FUND BALANCE	8,067,694	6,225,595	

STATEMENT OF OPERATIONS

	2001	2002	Projected 2003 & Later	Total
REVENUE - PROVINCE OF ONTARIO	25,870,678	3,535,399	2,093,923	31,500,000
EXPENDITURES (by Transition Costs Categories)				
Staffing Adjustments	12,760,884	-	-	12,760,884
Transition Costs	4,255,536	-	-	4,255,536
Integrating By-Laws, Guidelines, Plans etc.	-	135,549	3,910,733	4,046,282
Efficiency Improvements	585,673	382,330	131,331	1,099,334
Integrating Information Systems	1,750,553	476,187	432,049	2,658,789
Integrating Communications	105,510	-	69,490	175,000
Integrating Staff & Staff Resources	2,606,386	309,552	1,570,992	4,486,930
Review Municipal Assets	145,182	-	-	145,182
Standardization of Equipment, Vehicles , Signs, Uniforms etc.	1,222,582	538,481	111,000	1,872,063
	23,432,306	1,842,099	6,225,595	31,500,000
Surplus (Deficit) for the year	2,438,372	1,693,300	(4,131,672)	
Surplus (Deficit) at the beginning of the year	-	2,438,372	4,131,672	
Surplus (Deficit) at the end of the year	2,438,372	4,131,672	-	
Cash Position at Beginning of Year	31,500,000	8,067,694	6,225,595	
Cash Position at End of Year	8,067,694	6,225,595	-	

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

7.3

CORPORATE SERVICES DEPARTMENT
Budgets and Fiscal Policy Services

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager
Date:	April 24, 2003	**Prepared by:**	T. Hewitson 546-4159 R. Rossini 546-4523

SUBJECT: **2003 Unspecified & Unallocated Budget Reductions (FCS03079) – (City Wide)**

RECOMMENDATION:

(a) That the summary of unspecified and unallocated 2003 budget reductions as outlined in Table 1 attached to this report be approved and implemented.

(b) That staff be directed to develop plans and report back to Council on in-year service reductions and other necessary measures in order to mitigate any anticipated 2003 tax budget unfavourable variances.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Finance and Corporate Services

EXECUTIVE SUMMARY:

The 2003 approved Tax Budget contains $14.3 million in unspecified or unallocated budget reductions that must be implemented. $800,000 of this total actually related to the 2002 Budget year.

Accordingly, there is significant risk to any delays in implementation, particularly since the City will have a tax budget deficit in 2002 (before transfers from the Tax Stabilization Reserve). Staff had identified $20 million to $25 million in budget risks for 2003. Given these budget risks, a 2003 Tax Budget deficit is likely.

Table 1 summarizes these unspecified reductions by department and proposes allocations where none have existed to date. Many measures (particularly $1.4 million of Corporate IT-related cuts) have not been allocated at this time. These projects are proceeding and further analysis will be required by IT, Corporate Management Services and Budgets staffs.

BACKGROUND:

Information and proposed budget cut allocations have been provided based on the new corporate structure. Therefore, some of the reductions that have been attributed to a particular department may seem unfamiliar. For example, Culture & Recreation cuts have been listed under Health & Community Services.

Some approved 2003 budget reductions were attributable to particular departments but were not specific as to the actual measure or cut itself. These have been included in Table 1, as well. In total, the 2003 Budget contains $42 million in budget reductions and other fiscal adjustments. All of these must be implemented to the fullest degree possible.

Budgets staff have provided Council, CMT, Directors and all F&A Managers with a final, complete summary of all approved budgets and cuts. Copies of this report and details related to the proposed budget cuts have been sent out to all Directors and F&A Managers.

ANALYSIS OF ALTERNATIVES:

The proposed allocation of unspecified cuts for advertising and overtime has been distributed based on a department's share of the total City's requested 2003 budget. The consulting cuts were allocated using a blended share of the total 2003 requested budget and the 2002 unspent budget. A blended approach was adopted for consulting because some departments had significant favourable variances. The attached tables 2 through 4 provide details regarding the proposed distribution of the unspecified budget reductions.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In-Year Financial Implications

It is imperative that these unspecified budget reductions be implemented as soon as possible to avoid impending budget deficits for 2003. Program spending within the 2002 tax budget will likely have a deficit of about $10 to $12 million, before reserve transfers. A number of factors could very well contribute to another tax budget deficit in 2003. These include:

- delays in implementing the $42 million worth of budget reductions that Council approved;

- the size of budget risks identified during the 2003 process (i.e., \$20 to \$25 million);
- the fact that unallocated or unspecified cuts originally totalled over \$14 million;
- a significant amount of the reductions (\$5.5 million) involve phasing-in requested program spending increases which really are temporary measures and do not address the structural or root origins of our budget problems. If actual spending is not kept in line to budget, deficits will certainly materialize.

Given the City's dwindling Tax Stabilization Reserve (about \$5 million), it will be increasingly difficult to accommodate or sustain another tax budget deficit in 2003. As a result, the City would have no choice but to use other program-related reserves to cover off a 2003 deficit.

In-Year Service Implications

Departments must, as much as possible, control spending in order to avoid deficits that will be caused by budget shortfalls that were necessitated by the phase-in of some budget measures. As a result, there will be in-year impacts on programs and service levels that will be felt by residents. Other reductions, such as restructuring, will also impact on staffing, workloads, service levels and the expected delivery of various programs and projects.

Some of the most significant service implications are:

- Unrealized Revenues: \$1.7 million, 2-year phase-in. Mostly Culture & Recreation, Facilities, Parks and Clerks.
- Fleet Operations: \$1.55 million, 2-year phase-in. Impacts all fleet users but largely parks, roads, transit and facility services. \$550,000 of this amount will be absorbed corporately through reserves, thus limiting the in-year operational impacts. In addition, another \$550,000 will be cut from the transfer to Fleet reserve. To mitigate impending 2003 fleet variances, service reductions and temporary fleet de-mobilization (e.g., taking vehicles and buses temporarily off the street) will be required. These in-year service cuts were communicated to Council during the 2003 Budget presentations.
- Roads Materials: \$2.6 million, 3-year phase-in. There will be significant in-year impacts on roads operations that will primarily affect material-intensive services, repairs and maintenance. These in-year service cuts were communicated to Council during the 2003 Budget presentations.
- Restructuring & Other Corporate Cuts: \$5.9 million. These will take time to implement. Many involve staff reductions without any decrease in workload and service expectations. This will increasingly place pressure on staff who in many areas is already working inordinate amounts of overtime.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

CMT has reviewed the proposed distribution of unspecified budget reductions. Consultations were undertaken with various affected departments.

CITY STRATEGIC COMMITMENT:

Not applicable.

SUMMARY OF CORPORATE, UNSPECIFIED OR UNDETERMINED 2003 BUDGET REDUCTIONS

		Department Responsible								
Measure	Total	City Manager	Economic Development	Human Resources	Corporate Services	Planning & Develop.	Health & Community	Emergency Services	Public Works	Comments
1 Print Review - 2002	$ 650,000				$ 650,000					- lead is IT, but budget cut applied to all departments
Advertising - 2002	$ 150,000	$ 3,100	$ 23,000		$ 2,800	$ 4,300	$ 35,900	$ 5,700	$ 75,200	- see table for distribution details
2 Corporate Restructuring	$ 2,000,000	$2,000,000								- work has proceeded and cuts have been implemented - cuts made to date have not been reflected herein
3 Corporate IT										
- IP Telephony	$ 800,000				$ 800,000					- lead is IT, but budget cut applied to all departments
- Desk Top PC's	$ 455,000				$ 455,000					- lead is IT, but budget cut applied to all departments
- Centrex	$ 58,000				$ 58,000					- lead is IT, but budget cut applied to all departments
- Cell Phone Contract	$ 90,000				$ 90,000					- lead is IT, but budget cut applied to all departments
- Corporate IT Training	$ 10,000				$ 10,000					- lead is IT, but budget cut applied to all departments
4 Municipal Service Centre	$ 167,850				$ 167,850					
Streamline Customer Serv	$ 250,000				$ 250,000					- may impact other City areas
5 Communications	$ 400,000	$ 400,000								- may impact other City areas
Print & Mail	$ 85,530				$ 85,530					- may impact other City areas
6 Roads Phase-In	$ 1,733,000								$1,733,000	
7 Fleet Operations Phase-In	$ 1,550,000								$1,550,000	- will impact fleet users in other areas
Fleet Reserve Phase-In	$ 550,000								$ 550,000	
8 Cult. & Rec. Unspecified	$ 25,000						$ 25,000			
9 Radio Trunking Phase-In	$ 600,000				$ 600,000					
10 Surplus Properties	$ 1,000,000								$1,000,000	- Real Estate to identify surplus properties & report - other City budgets impacted (e.g. Facilities in PW)
Energy Audit	$ 200,000								$ 200,000	- may impact other City areas
11 Library - Unspecified	$ 250,000	$ 250,000								
12 Unrealized Revenues Phase-In	$ 1,700,000	***$ 100,000*** *			$ 200,000		$ 500,000		$ 900,000	- Mostly Facilities, Cult. & Rec. and Parks
13 Overtime	$ 277,900			$ 1,670	$ 13,670		$ 480	$ 46,440	$ 215,640	- see details for distribution
14 Core Services Review	$ 500,000								$ 500,000	- impacts on other areas
15 Consulting	$ 477,000	$ 24,100		$ 84,110	$ 14,230	$ 120,910	$ 19,080		$ 214,570	- see details for distribution
16 Additional Efficiencies	$ 323,000	$ 323,000								
	$ 14,302,280	$3,100,200	$ 23,000	$ 85,780	$ 3,397,080	$ 125,210	$ 580,460	$ 52,140	$6,938,410	

* Represents a general, unallocated portion.

CITY OF HAMILTON

TABLE 2

ADVERTISING COSTS - SUMMARY - Reduction Allocated by Share of Advertising Budget

Excludes Police, HECFI, Library and Water Wastewater

Dept./Division	2002 Budget	2002 Est. Actuals	2003 Requested Budget	Share of Reduction	2003 Adjusted Budget	2003 Budget Increase	
						$	%
CITY MANAGER	$2,000	$2,637	$2,000	($200)	$1,800	($200)	(10.0%)
CORPORATE SECRETARIAT (Exc. Comm)	$54,880	$44,880	$26,880	($2,900)	$23,980	($30,900)	(115.0%)
ECONOMIC DEVELOPMENT	$197,660	$255,278	$209,320	($23,000)	$186,320	($11,340)	(5.4%)
HUMAN RESOURCES	$6,070	$6,070	$6,070	$0	$6,070	$0	0.0%
FINANCE & CORPORATE SERVICES	$28,360	$39,400	$27,870	($2,800)	$25,070	($3,290)	(11.8%)
PLANNING & DEVELOPMENT	$39,000	$36,004	$39,000	($4,300)	$34,700	($4,300)	(11.0%)
SOCIAL AND PUBLIC HEALTH SERVICES	$71,425	$71,425	$64,100	($7,000)	$57,100	($14,325)	(22.3%)
SPHS - CULTURE & REC	$225,900	$264,600	$262,900	($28,900)	$234,000	$8,100	3.1%
TRANS. , OPERATIONS & ENVIRONMENT	$624,180	$609,881	$615,740	($67,500)	$548,240	($75,940)	(12.3%)
TOE - PARKS, FACILITIES, D&C	$70,150	$104,820	$70,150	($7,700)	$62,450	($7,700)	(11.0%)
EMERGENCY SERVICES	$52,000	$52,000	$52,000	($5,700)	$46,300	($5,700)	(11.0%)
Total ADVERTISING	$1,371,625	$1,486,995	$1,376,030	($150,000)	$1,226,030	($145,595)	(10.6%)

Sharing Formula:
100% of the required reduction is based on a department's share of the total advertising budget.

CITY OF HAMILTON

TABLE 3

CONSULTING COSTS - Reduction Allocated by Share of Consulting Budget & 2002 Favourable Variance

Excludes Police, HECFI, Library and Water Wastewater

Dept./Division	2002 Budget	2003 Requested Budget	Share of Reduction	2003 Adjusted Budget	2003 Budget Increase		2002 Variance	
					$	%	$	%
CITY MANAGER	$50,000	$120,000	($20,000)	$100,000	$50,000	41.7%	$43,083	86.2%
CORPORATE SECRETARIAT	$33,000	$33,000	($4,100)	$28,900	($4,100)	(12.4%)	$0	0.0%
ECONOMIC DEVELOPMENT	$0	$0	$0	$0	$0	0.0%	($5,013)	0.0%
HUMAN RESOURCES	$638,280	$638,280	($84,110)	$554,170	($84,110)	(13.2%)	$23,780	3.7%
FINANCE & CORPORATE SERVICES	$67,000	$67,000	($14,230)	$52,770	($14,230)	(21.2%)	$27,790	41.5%
PLANNING & DEVELOPMENT	$335,100	$335,100	($120,910)	$214,190	($120,910)	(36.1%)	$231,134	69.0%
SOCIAL AND PUBLIC HEALTH SERVICES	$737,020	$706,160	($14,580)	$691,580	($45,440)	(6.4%)	($25,484)	(3.5%)
SPHS - CULTURE & REC	$36,250	$36,250	($4,500)	$31,750	($4,500)	(12.4%)	($49,900)	(137.7%)
TRANS. , OPERATIONS & ENVIRONMENT	$1,108,480	$1,237,870	($189,070)	$1,048,800	($59,680)	(4.8%)	$103,280	9.3%
TOE - PARKS, FACILITIES, D&C	$125,000	$150,500	($25,500)	$125,000	$0	0.0%	($14,100)	(30.9%)
EMERGENCY SERVICES	$0	$0	$0	$0	$0	0.0%	$0	0.0%
Total CONSULTING	$3,130,130	$3,324,160	($477,000)	$2,847,160	($282,970)	(8.5%)	$334,570	0.0%

Sharing Formula:
Required reduction is based on a both a department's share of the total consulting budget and 2002 favourable consulting variance.

CITY OF HAMILTON

TABLE 4

OVERTIME COSTS - REDUCTION ALLOCATED BASED ON SHARE OF REQUESTED

Excludes Police, HECFI, Library and Water Wastewater and uses accounts 51006, 51106 and 51741

Dept./Division	ESTIMATED NET 2002 Budget	2002 Estimated Actuals	2003 Requested Budget	Share of Reduction	2003 Adjusted Budget	2003 Budget Increase	
						$	%
CITY MANAGER	$0	$10,096	$0	$0	$0	$0	0.0%
CORPORATE SECRETARIAT	$0	$11,168	$0	$0	$0	$0	0.0%
ECONOMIC DEVELOPMENT	$0	$2,997	$0	$0	$0	$0	0.0%
HUMAN RESOURCES	$0	$26,689	$18,450	($1,670)	$16,780	$16,780	0.0%
FINANCE & CORPORATE SERVICES	$133,690	$253,180	$150,550	($13,670)	$136,880	$3,190	2.4%
PLANNING & DEVELOPMENT	$0	$150,481	$0	$0	$0	$0	0.0%
SOCIAL AND PUBLIC HEALTH SERVICES	$0	$83,020	$0	$0	$0	$0	0.0%
SPHS - CULTURE & REC	$5,300	$33,545	$5,300	($480)	$4,820	($480)	(9.1%)
TRANS. , OPERATIONS & ENVIRONMENT	$1,370,263	$2,255,957	$1,507,987	($136,890)	$1,371,097	$834	0.1%
COMMUNITY SERVICES (TOE)	$747,980	$1,401,036	$867,580	($78,750)	$788,830	$40,850	5.5%
EMERGENCY SERVICES	$511,595	$1,359,699	$511,595	($46,440)	$465,155	($46,440)	(9.1%)
Total OVERTIME	$2,768,828	$5,587,869	$3,061,462	($277,900)	$2,783,562	$14,734	0.5%

SECTION 8

SECTION 9

SECTION 10

SECTION 11

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

11.1

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	April 16, 2003	**Prepared by:**	Douglas Rose 905-546-4586 Judy Downey 905-540-6108

SUBJECT: **Harmonized Taxicab By-Law (PD01120(b)) (City Wide)**

RECOMMENDATION:

(a) That the existing taxicab by-laws of the municipalities of the former Regional Municipality of Hamilton–Wentworth be repealed as follows:

former Town of Flamborough By-law #90-24-L - taxi and limousine schedule;
former Township of Glanbrook By-law #476-92;
former Town of Ancaster By-law #79-66, amended by By-law #91-02;
former Town of Dundas By-law #4200-95;
former City of Stoney Creek By-law #4413-96, amended by By-laws #4519-97, 5041-99, 5074-00; and
former City of Hamilton By-law #98-203, Schedule 2.

(b) That the harmonized Taxicab By-law attached as Appendix A to Report PD01120(b) be approved.

(c) That the Director, Building and Licensing be authorized and directed to issue temporary taxicab plates for a six-month period subject to a review of taxicab plate activity.

(d) That Schedule 31 of the Hamilton Licensing Code By-Law 01-156 attached as Appendix C of Report PD01120(b) be amended to reflect the addition of a $50 administration fee to appeal decisions by the Issuer of Licences, or his designate, to the Licensing Committee and a $50 late fee for failure to renew a Taxicab Lease Agreement and all fees in Schedule 31 be amended accordingly.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The purpose of this report is to outline the implementation of a harmonized Taxicab By-law for the City of Hamilton and indicate the significant changes to the licensing requirements that impact the stakeholders and enforcement of regulations throughout the taxicab industry. The by-law contains regulations that address both the issues of taxi reform throughout the City and the amalgamation of the taxi industries of the former area municipalities. The recommendations approved by Council at their meeting dated September 25, 2002 are attached to this report (Appendix B). The proposed Taxicab Licensing Schedule contains regulations that specifically address the issues identified by the taxi industry, Council and staff :

- Elimination of existing borders of former municipalities
- Owner operated taxicabs and leasing
- Priority list and issuance of taxi plates
- Wheelchair accessible taxicabs
- Customer focus and service
- Quality and age of vehicles
- Driver training and safety
- Increased municipal enforcement
- Other by-law requirements such as taxi fare increase and broker regulations

The report discusses the phase-in of the proposed Taxicab Licensing By-law respecting the leasing, age of vehicles and the installation of taxicab driver safety components.

The by-law will be reviewed by staff and the Taxi Reform Sub-Committee six months following its enactment to measure the impact on the taxicab industry and the level of service provided to the public.

BACKGROUND:

As a result of amalgamation of the six former area municipalities that now comprise the City of Hamilton, staff recommended that a harmonized Taxi By-law was required to address the issues of amalgamation and taxi reform. The issues, which were of concern to City, staff and the taxi industry included:

- The quality, safety and reliability of taxi vehicles
- Customer service
- Aging fleet
- Driver training
- Increased enforcement and by-law issues
- Driver safety
- Absentee owners and passive investors in the taxicab industry
- Inability of taxicab drivers to earn a fair wage

When preparing the proposed Taxicab Licensing By-law, staff adopted the following guiding principles:

- The general public has a right to expect clean, safe taxicabs
- The general public has the right to expect courteous, knowledgeable and qualified drivers
- Drivers have the right to expect a fair return from their labour
- Plate holders have the right to expect a fair return for their investment
- The new City of Hamilton has the right to expect that the by-law will be complied with by the taxi industry

Throughout the review of the amalgamation and reform of the taxi industry extensive consultation was undertaken with the stakeholders to ensure that all participants in the taxicab industry were given an opportunity to provide their opinions and ideas on how to improve the taxicab industry in the City of Hamilton. The initial step was to distribute surveys in the form of questionnaires to all stakeholders in the taxi industry within the six former area municipalities, which requested stakeholders' input respecting the initial recommendations put forth by the Taxi Industry Review Team. Focus group consultations were held within the industry, which included brokers, lessees, drivers and owners. There was an apparent dichotomy from the view from the various participants within the industry. It was evident from the questionnaire and focus group meetings that change within the industry is necessary, but not all groups could agree on what change should be and how this change could be implemented. Further consultation was undertaken with several municipalities to draw comparisons in those areas of concern as identified by the Taxi Industry Reform Sub-Committee.

When preparing the proposed by-law staff looked at best practices from other municipalities including, Ottawa, Mississauga, Toronto, Oshawa, Kitchener/Waterloo and the former municipalities of the City of Hamilton.

After a series of public meetings and staff consulting with each of the licensed brokers respecting the issues of amalgamation and reform, the Taxi Industry Reform Sub-Committee chaired by Councillor Merulla approved the revised recommendations in July 2002, and subsequently these recommendations, Appendix B, were approved by Council. Following Council approval, staff was directed to incorporate the recommendations into a harmonized Taxicab Licensing By-law for the City of Hamilton.

Taxicab Licensing By-law Changes:

The attached by-law contains regulations that address both the issues of amalgamation and taxi reform including:

Elimination of Borders

- The provision that all taxicabs licensed by the City of Hamilton have open access across the new City and not be restricted to their former boundaries that existed prior to amalgamation

Issuance of Taxi Plates

- The provision that no new taxi plates be issued by the City of Hamilton for one year in order to measure the impact of amalgamation on the taxi industry

Priority List

- A merged priority list for the issuance of taxi plates that contains the names from the former priority lists of Stoney Creek and the former City of Hamilton

- The former City of Hamilton and City of Stoney Creek priority lists have been closed since amalgamation. The proposed by-law addresses the process of issuance of plates to those names on the amalgamated priority list. There are now requirements to maintain one's status on the list, and most notably, the requirement that anyone on the priority list must prove to the Issuer of Licences that they have been actively engaged in the taxicab industry.

  'Actively engaged in the industry' requires that the person on the priority list must maintain their licensed status as a taxicab owner, taxicab driver, taxicab dispatcher, taxicab business mechanic or taxicab broker for at least an average of thirty hours per week during at least forty weeks of the previous twelve months in order to remain on the list. Those names currently on the priority list will be given an opportunity to become qualified to retain their status on the list.

Temporary Plate Issuance

- The proposed by-law addresses the issuance of temporary taxicab plates for special events such as the World Cycling Races. Council may authorize the issuance of additional temporary licences for major special events in the City, as determined by Council, expiring upon the termination of the event.

Inactive Taxi Plates

- Inactive plates are addressed in the proposed by-law pursuant to the recommendation of the Taxi Industry Reform Sub-Committee.

- An area of major concern throughout the taxi industry review process was the issue of inactive plates in some of the former area municipalities. The Taxi Reform Sub-Committee requested that all plate owners provide proof that they have been actively engaged in the industry for the past six years. There is the belief by many in the industry that some plate owners have kept their plates in "a drawer and not actively used them". Staff will be reviewing the documentation provided by each of the approximately 400 plate owners to determine if they qualify for a taxi cab owners plate in the new City of Hamilton.

- The documentation to establish direct engagement in the management or day to day operations which shall be submitted to the Issuer of Licences by the applicant for a taxicab owner's licence or a renewal thereof shall include, but not be limited to, the following:

(i) the original or certified copy of the certificate of insurance for the subject vehicle(s);
(ii) the original drivers' lists;
(iii) the original trip sheets;
(iv) the original mechanical safety certificates;
(v) the Customs and Revenue Canada T4 Form for each taxicab driver;
(vi) the City inspection certificates; and,
(vii) vehicle ownership.

- In order to bring some consistency and to be better able to identify which authorized taxicabs are on the road, staff are recommending that temporary plates be issued for a six-month period until the review of the harmonized Taxicab Licensing By-law is complete. Failure to submit the proper documentation or to submit documents that do not prove that the plate was active during the last six years will result in the denial of a taxicab owner's plate as prescribed in the proposed by-law. After the review of the submitted documentation to the Issuer of Licences, if a taxicab owner is denied a licence he will have the option of appealing to the Licence Committee to have his status reviewed.

Actively Engaged in the Taxicab Industry

Taxicab plate owners must be 'actively engaged' in the taxicab industry in order to maintain the ownership of a taxicab plate.

- This requirement directly impacts absentee owners of plates and owners who lease plates.

- Those taxicab owners that lease plates will only be permitted to enter into one lease agreement per taxicab plate and will be required to provide the taxicab vehicle and the applicable insurance. This requirement is a significant change from the existing circumstances where the taxicab owner only provides the plate and the lessee provides the vehicle and applicable insurance.

Leasing Agreements

- Leasing and leasing agreements respecting taxicab plates has undergone a number of changes in the regulations and requirements.

- As described above, owners must now provide the taxicab vehicle and insurance, which has been increased from $1M to $5M third party liability.

- Multi leasing is now prohibited, which means each individual will not be allowed to enter into a lease agreement for more than one taxicab plate. Individuals currently involved in multiple lease agreements will only have one lease agreement renewed following the enactment of the by-law.

- The lessee must personally operate the taxicab for a minimum of five, eight hour shifts per calendar week.

- A $50 administration fee will be charged to a lessee for the late registration of a lease agreement with the Issuer of Licences.

- Effective five years from the enactment of the Taxicab Licensing By-law a taxicab broker shall not act as an agent or party to a lease agreement.

Quality and Age Restrictions on Vehicles

- Age restrictions will be imposed on vehicles, which are authorized to operate as taxis. The age requirement will be phased in over three years.

- Safety Certificates must be obtained from a garage approved by the Issuer of Licences.

- Safety Certificates will be required more than once a year depending on the age and condition of the taxicab vehicle.

Spare Vehicles

- Spare vehicles will be subject to all of the existing regulations in the former City of Hamilton Taxi Licensing By-law, however, the following changes are incorporated in the proposed by-law:

- The use of a spare taxicab shall be limited to operate no greater than seven consecutive days.

- The taxicab owner shall notify the Issuer of Licences prior to placing a spare vehicle in use and identify the licensed taxicab vehicle, which the spare vehicle is replacing.

- The taxicab owner shall be limited to one spare vehicle per five licensed taxicab vehicles to a maximum of three spare vehicles.
  Council recommended that taxicab fares be reviewed by the City in consultation with the Taxi industry every three years to determine the necessity and type of fare increase.

Alcohol and Gaming Commission of Ontario

- Taxicab owners and taxicab driver shall not transport liquor, spirits, beer or any other alcoholic beverage except in strict compliance with the Alcohol and Gaming Regulation and Public Protection Act.

Additional Enforcement

Additional staff were not approved in the 2003 Budget for increased enforcement of the Taxicab Licensing By-law. This will result in a reduced number of taxi safety lanes, a reduction in on-street proactive enforcement, a reduction in the hours of service in the taxi inspection office and will make the new by-law harder to police.

- Licensed taxicab vehicles will no longer be permitted to be operated as a personal vehicle once the vehicle has been authorized to operate as a taxicab.
- Municipal Enforcement Officers have the authority, if the Officer is in the opinion that the vehicle contravenes the Schedule or public safety is at risk, to:
  (i) remove a taxicab from service;
  (ii) remove the City of Hamilton taxi plate from the taxicab;
  (iii) remove the roof sign; and,
  (iv) remove the taxicab meter.

Driver Safety

- Regulations to address driver safety such as the emergency lighting system, which will be required upon enactment of the by-law. The requirement of an in-car camera and a Global Positioning System will be phased in within five years.

Driver Training

- The proposed by-law requires that each new taxicab driver undertake an enhanced and expanded taxi driver training program.
- The driver training program will require that taxicab drivers are able to speak and write in English.
- All existing licensed taxicab drivers will be required to undertake the training program within three years of the enactment of the by-law.

  Staff have been consulting with Mohawk College respecting the development and implementation of a taxicab training program, as well as consulting with other municipalities that currently provide an enhanced training course. In the interim of establishing a prescribed training course, staff has developed an interim taxicab exam that incorporates the testing requirements of the former area municipalities. Once a training program has been established, an update will be provided to the Taxi Reform Sub-Committee for their consideration.

- **Customer Bill of Rights and Driver Bill of Rights**
  - The by-law will provide clear standards that must be met every time a customer enters a taxicab. A customer compliments/complaints hotline will be established to provide passengers with a mechanism to effectively deal with their concerns.
  - The Customer Bill of Rights and a Driver Bill of Rights are required to be posted in each taxicab in order to avert any confusion respecting the rights and responsibilities of either party.
- **Wheelchair Accessible**
  - Regulations respecting wheelchair accessible taxicabs have been included in the proposed by-law; however, the Taxi Industry Reform Sub-Committee directed staff to enter consultation with D.A.R.T.S. to provide this service to the community.

ANALYSIS OF ALTERNATIVES:

Maintain the status quo for the licensing of taxi cab owners, brokers and drivers maintaining the borders of the former municipalities amalgamated into the new City of Hamilton and regulated by each of the existing Taxi By-laws of the former municipalities.

Under the current system, all borders of the former municipalities would be maintained and the taxi industry would not reflect the amalgamation of the new City. Maintaining the status quo would not address the amalgamation and reform issues identified as currently existing in the taxi industry. Moreover, maintaining the status quo would pre-empt the opportunity for change that the amalgamation of the new City has afforded the taxi industry.

Undertaking enforcement to maintain the status quo would require enforcing the five separate existing taxi by-laws in the former municipalities of Ancaster, Dundas, Flamborough, Hamilton and Stoney Creek, with no enforcement in Glanbrook. The manpower required to enforce the maintenance of the existing borders would be an onerous task for the inspectors to enforce.

Implement a one-tiered enhanced licensing program as outlined in the proposed by-law whereby taxi cabs licensed by the new City of Hamilton would have open access across the City and that all previous borders defined by the former municipalities amalgamated into the new City are eliminated.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Building and Licensing Division requested an additional staff in the 2003 Budget. This was not approved. Staff is also recommending harmonization of fees to that of the former City of Hamilton which represents 90% of the licences.

POLICIES AFFECTING PROPOSAL:

The proposed harmonized Taxi Licensing By-law will be included as a schedule of the City of Hamilton Licensing Code By-law No.01-156.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Extensive consultation was undertaken to ensure that all participants in the taxicab industry were given an opportunity to provide their opinions and ideas on how to improve the taxicab industry in the City of Hamilton. The consultation and information gathering process included the following steps.

- The distribution of a questionnaire to all members of the taxi industry, within the six area municipalities seeking their input respecting the initial recommendations put forth by the Licensing and Inspection Task Force.
- Focus Group meetings were held with the various groups within the industry, which included brokers, lessees, drivers and owners.
- Public Meetings held with the Taxi Reform Sub-Committee.
- Review of other municipal models and by-laws.

The development of the proposed by-law was co-ordinated through Legal Services.

CITY STRATEGIC COMMITMENT:

The proposed Taxicab By-law will serve to protect the health and safety of the public. The by-law will ensure that standards are met and maintained within the taxi industry to protect public health and well being, and public safety and security in the City of Hamilton. The proposed changes have a positive impact on the physical health and well being of the public by ensuring that the transportation provided by the taxi industry meets the mechanical safety requirements imposed by the City and the Ministry of Transportation. Specifically, limiting the age of vehicles, additional vehicle inspections, and increased enforcement are expected to have a positive impact on the health and safety of the public, our air quality and the environment in the new City.

The proposed by-law will serve to provide public awareness as to the rights and safety of clients and the rights and safety of the members of the industry providing the taxi service. An improved harmonized Taxi By-law will serve to make available to members of the community a safe mode of transportation to participate fully and safely in activities and events offered throughout the entire new City of Hamilton.

The by-law will improve the ability of all participants to compete on an equal playing field with respect to licensing code requirements and enforcement, improved customer service, and the ability to earn a fair wage.

DR:jd
Attachs. (3)

City of Hamilton

BY-LAW NO.

A By-law to repeal and replace by-law numbers:

Town of Flamborough By-Law #90-24-L - taxi and limousine schedule;
Township of Glanbrook By-Law #476-92;
Town of Ancaster By-Law #79-66, amended by By-Law #91-02;
Town of Dundas By-Law #4200-95;
City of Stoney Creek By-Law #4413-96, amended by By-Laws #4519-97, 5041-99, 5074-00; and
City of Hamilton By-Law #98-203, Schedule 2

A By-Law to provide for
licensing, regulating and governing taxicab brokers, taxicab owners and taxicab drivers of motor vehicles used for hire and for limiting the number of taxicab owner licences.

INDEX

Section	Title
1	Definitions
2	Scope and Application
3	Exemptions
4	Short Title
5	General Prohibitions
6	General Duties – Taxicab Drivers/Owners/Brokers
7	General Duties – Issuer of Licences
8	Licensing Prerequisites – Taxicab Drivers
9	Licensing Prerequisites – Taxicab Owners
9.1	Licensing Prerequisites – Accessible Taxicab Owners
10	Licensing Prerequisites – Taxicab Brokers
11	Licence Fees
12	Terms and Conditions
13	Limitations
14	Existing Priority Lists
15	Closure of Priority List
16	Staying on Priority List

17 Issuance Of Owner's Licences From Priority List
18 Effective Issue From Priority List
19 No Vested Interest Or Binding Effect
20 Time For Renewal
21 Issue And Renewal Of Licence
22 Suspension And Revocation
23 Grounds For Refusal To Issue, Refusal To Renew Or To Revoke A Licence
24 Hearings Before The Committee
25 Hearing Fee & Notice
26 Service Of Written Notice
27 The Committee Hearing
28 Council After The Hearing
29 Committee's Power To Recommend To Council Licence Revocation Or Refusal
30 Committee's Power To Suspend A Licence
31 Fees Non-Refundable
32 Return Of The Licence After Revocation Or Suspension
33 Destruction or Loss of Owner's Plate or Prescribed Cards
34 Transfer Of Licence Holder
35 Death Of Licence Holder
36 Notification Of Change Of Information
37 Leasing
38 Contract Agreements
49 Medical Certificate
40 Re-Photographing Of Drivers
41 Taxicab Meter
42 Taxicab Meter Road Test
43 Right Of Inspection Of Vehicles
44 Vehicle Inspection Approval
45 Taxicab Vehicle Standards And Inspections
46 Spare Vehicles
47 Replacement Vehicle Approval
48 Disposal Of Taxicab
49 Tariffs
50 Duties Of A Taxicab Driver
51 Driver Prohibitions
52 Owner's Duties
53 Owner Prohibitions

54 Taxicab Broker Duties
55 Taxicab Broker Prohibitions
56 Promotional Schemes
57 Customer Service
58 Administration And Enforcement
59 Penalties
60 Obstruct Officer
61 Prohibition Order
62 Restraining Order
63 Statement Of The Clerk
64 Court Orders/Barring Of Entry/Closing Of Premises
65 Collection Of Fines
66 Distress For Unpaid Fines
67 Levy Of Fines Under Warrant
68 Proceeds Of Fines
69 Severability
70 Appendices
71 Repeal and Amendments
72 Force And Effect
Appendix “1” – Taxicab Tariff / Fares
Appendix “2” – Trip Sheet
Appendix “3” – Priority List
Appendix “4” – Taxicab Passengers’ Bill of Rights
Appendix “5” – Taxicab Driver's Bill of Rights

WHEREAS it is in the best interests of the public to provide taxicab drivers, owners and brokers from the former municipalities amalgamated into the City of Hamilton open access and harmonized regulation throughout the new boundaries of the City of Hamilton;

AND WHEREAS it is in the best interests of the public to institute safety measures for the public and the taxicab industry and to promote professionalism in the taxicab industry;

AND WHEREAS it is in the best interests of the public to ensure adequate servicing of the public by the taxicab industry;

AND WHEREAS it is provided in the Municipal Act, 2001 that by-laws may be passed for licensing, regulating and governing taxicab owners and drivers of taxicabs, buses, motor and other vehicles used for hire or any class or classes thereof, and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers, either wholly within the municipality or to any point not more than 5 kilometres beyond its limits, and for providing for collection of such rates or fares and for suspending and revoking any such licences; and that by-laws may be passed for licensing, regulating and governing businesses;

AND WHEREAS pursuant to the Municipal Act, 2001, the City of Hamilton may, within the limitations therein set out, licence, regulate and govern the taxi industry;

AND WHEREAS the City of Hamilton enacted By-Law 01-156, known as the *City of Hamilton Licensing Code*, and hereby amend Schedule 25 of the said By-Law 01-156

BE IT THEREFORE ENACTED by the Municipal Council of the City of Hamilton, as an Amending By-Law, Schedule 25 to By-Law 01-156 thereof as follows:

1. DEFINITIONS AND INTERPRETATION

(a) In this Schedule:

(1) "accessible taxicab" means a motor vehicle approved for use as a taxicab by the Issuer of Licences and originally constructed or subsequently modified to permit the loading, transportation and off-loading of persons confined to a wheelchair, or similar device used to assist the disabled, without transfer and which motor vehicle complies with Ontario Regulation 167/81, as amended and Canadian Standards Association's Standard D409-M84;

(2) "accessible taxicab driver" means a licensed taxicab driver whose taxicab driver's licence has been endorsed by the Issuer of Licences to permit the licensee to drive an accessible taxicab in the City of Hamilton;

(3) "accessible taxicab owner" means a licensed taxicab owner whose taxicab owner's licence has been endorsed by the Issuer of Licences to permit the operation of an accessible taxicab in the City of Hamilton;

(4) "applicant" means a person applying for a licence or renewal thereof under this Schedule;

(5) "authorized sign" means a parking sign as described in this Schedule;

(6) "By-Law" means By-Law 01-156 unless the context refers otherwise;

(7) "carry on" when used in reference to a taxicab or to a taxicab brokerage business means to continuously operate, engage, drive, or make a taxicab available for the conveyance of passengers for hire or reward and includes waiting for, accepting, or dispatching orders;

(8) "City" means the City of Hamilton;

(9) "Committee" means the Licensing Committee of the City;

(10)"continuously operate" means to drive a licensed taxicab and/or to make the licensed vehicle available to the public for the conveyance of passengers for a minimum of eight (8) hours per day for at least five (5) days per calendar week throughout the calendar year save and except for suspensions of operation due to necessary repairs provided that they are made within fourteen (14) calendar days or due to necessary vehicle replacement due to fitness or age reasons provided that it is completed within thirty (30) calendar days;

(11)"conveyance" means to carry, transport, transfer or move;

(12)"Council" means the Council of the City of Hamilton;

(13)"disabled" means any physically, emotionally or mentally handicapped person who is unable because of mobility impairment to use a regular public transit facility;

(14)"disabled passenger" means a passenger who is physically disabled;

(15)"dispatch" means the communication of an order or information in any manner between a taxicab broker and a taxicab driver;

(16) "driver's licence" means a licence issued to a taxicab vehicle driver under this Schedule and "licensed driver" has a corresponding meaning;

(17)"dues" means any amount of money charged by a taxicab broker to a taxicab owner to receive orders from the taxicab broker;

(18) "fare" means the amount of money displayed on the taxicab meter at the conclusion of a trip, or the flat rate allowed under this Schedule for the trip, together with any additional charges allowed under this Schedule and, where the context so requires, shall also refer to the Tariff/Fare rates set out in Appendix "1" of this Schedule;

(19)"Fees Schedule" means Schedule "31" of By-Law 01-156 (Licence and Examination Fees), as amended from time to time;

(20)"fleet" means one or more taxicabs being dispatched by one taxi broker or owned by the same person;

(21)"fleet owner" means the owner of a fleet;

(22)"grossly unclean person" means a person covered in an amount of dirt and/or other material so excessive that if transported by the driver, the state of the person could leave the interior of the vehicle in a unclean state;

(23)"highway" includes a road allowance, a common and public highway, street, avenue, parkway, boulevard, square, place, bridge, viaduct or trestle, designed and intended for or used by the general public for the passage of vehicles;

(24)"Highway Traffic Act" means the Highway Traffic Act R.S.O. 1990 c.H. 8, as amended, and the regulations thereunder;

(25)"Issuer of Licences" means the Issuer of Licences of the Planning and Development Department, Building & Licensing Division, of the City of Hamilton or his or her designates;

(26)"lease" means any contract, agreement, understanding or other arrangement whereby an owner permits another person to manage, operate, control, have custody of, or otherwise employ his or her licensed vehicle and owner's plate, other than permitting a driver to drive the taxicab for one normal driver's shift where the taxicab is returned to the owner at the end of such shift; and "to lease a licensed vehicle" includes the act of any owner in entering into or becoming a party to such a contract, agreement, understanding or other arrangement. Without limiting the generality of the foregoing, "lease" also includes a power of attorney, management contract and any other arrangement or agreement whereby any person other than an owner is allowed to exercise or does exercise any of the rights set out herein;

(27)"lease agreement" means a written agreement wherein a limited interest in a licence is temporarily transferred by a taxicab owner, and containing terms and conditions prescribed in section 37 and any other terms and conditions not contrary to this Schedule;

(28)"lessee" means a person who is either a licensed taxicab owner or taxicab driver under this Schedule and who has entered into a lease with a licensed taxicab owner through which the person acquires certain rights from the owner and under takes to fulfil certain responsibilities with respect to the use of the taxicab owner's licence, licence plate and vehicle;

(29)"lessor" means a taxicab owner licensed under this Schedule and who has entered into a lease with a licensed taxicab owner or taxicab driver through which the owner gives certain rights but maintains the responsibility to ensure that the lessee carries on or engages in the conveyance of passengers while in compliance with the provisions of this Schedule;

(30)"licence" means the document issued, pursuant to this Schedule, to an applicant for same by the City as evidence of being licensed under this Schedule;

(31)"licensee" means any person licensed under this Schedule;

(32)"licensed" means licensed under this Schedule;

(33)"motor vehicle" means an automobile and any other vehicle propelled or driven other than by muscular power, but does not include the cars of electric or steam railways, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act R.S.O. 1990 c.H. 8;

(34)"Municipal Act, 2001" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended, and any regulations thereunder;

(35) "new taxicab owner's licences" means taxicab owner's licences issued after the date of enactment of this Schedule save and except renewals or approved transfers of taxicab owner's licences existing at the date of the enactment of this Schedule;

(36)"Officer" means a Provincial Offences Officer, a Municipal Law Enforcement Officer appointed by the Council and a Police Officer;

(37)"order" means a request for the conveyance of passengers by a taxicab received by a taxicab broker;

(38)"owner's plate" means a metal vehicle licence plate bearing a number specific to a vehicle issued to a taxicab owner under this Schedule;

(39)"passenger" means any person in a taxicab other than the driver;

(40)"party" means any person who has an interest in any premise or vehicle licensed under this Schedule and includes the City;

(41)"person" includes an individual, partnership, corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

(42)"Priority List" means the list of applicants for a taxicab owner's licence maintained by the Issuer of Licences with names set out thereon in chronological order as to the date and time of receipt of application as set out in Appendix "4" to this Schedule. ;

(43)"public place" means places to which the public is invited and include parking lots, plazas, municipal properties and road allowances;

(44)"registered owner" means the person shown to be the owner of a motor vehicle according to the records maintained by the Registrar of Vehicles for the Province of Ontario;

(45)"revoke" means to withdraw or rescind;

(46)"Schedule" means Schedule 25 to By-Law 01-156;

(47)"spare vehicle" means a vehicle that has been authorized by the Issuer of Licences to be used as a taxicab in substitution for a vehicle for which an owner's licence has been issued, pursuant to the provisions of this Schedule;

(48)"sub-lease" means an agreement between a lessee and a person under which the lessee provides certain rights that he or she has acquired from a licensed owner and where the person undertakes to fulfil certain responsibilities to the lessee;

(49) "Tariff card" means the card issued by the Issuer of Licences setting out the tariff/fares set out in Appendix "1" and shall at all time be and remain the property of the City;

(50)"taxicab" has the following meanings:

(i) for the purposes of Sections 2 and 5, a motor vehicle as defined in the Highway Traffic Act, used for the conveyance of passengers for hire, compensation or reward

(ii) a motor vehicle as defined in the Highway Traffic Act, used for the conveyance of passengers for hire, compensation or reward for one specific trip exclusively of one person or group of persons, that is approved for use by the Issuer of Licences and equipped with a taximeter and four (4) accessible doors and has a seating capacity of not less than four (4) persons, including the driver, and not more than ten (10) persons, including the driver, and may include a van type vehicle having not less than three doors;

(iii) a vehicle with the following characteristics: providing transportation on demand, where the location of boarding of the passenger and the destination is unknown in advance of the request of the passenger, where the passenger chooses the destination, where there are no set routes, schedules or stops for boarding, and where any repeat or regular trips by a passenger or passengers are made based on the passengers need or needs for transportation without a relation to the special features of the vehicle;

(51)"taxicab broker" means any person who carries on the business of accepting calls, orders and/or dispatching taxicabs that are used for hire;

(52)"taxicab driver" means a person who is licensed as such or required to be licensed as such under this Schedule and includes a taxicab owner who drives a taxicab;

(53)"taxicab owner" means a person who is licensed as such or required to be licensed as such under this Schedule and includes a lessee, licensed under this Schedule, of a taxicab owner's vehicle;

(54) "taximeter" means a measuring device used in a taxicab to calculate the fare payable for a meter trip;

(55)"taxicab stand" means a stand or place on a highway or area of land set aside or assigned by the City for the purpose of providing a site for use by a taxicab or taxicabs while it is waiting for, picking up, or otherwise carrying on or engaged in the conveyance of passengers and that is marked by signs authorized under Appendix "3" to this Schedule;

(56)"trip" means the distance and time travelled or the distance and time to be travelled measured from the time and point at which the passenger first enters the taxicab or when the meter is first engaged to the time and point at which the passenger finally leaves the taxicab or the meter is disengaged;

(57)"trip sheet" means the written record of the details of each trip of a taxicab as prescribed in this Schedule; and

(58)"vehicle" means a motor vehicle.

(b) In this Schedule unless the context otherwise requires words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

2. SCOPE and APPLICATION OF SCHEDULE

(1) The licensing and fare provisions of this Schedule shall apply to the owners and drivers of taxicabs while waiting for or carrying on or being engaged in the conveyance of passengers originating from any point within the City and to taxicab brokers if any part of the business is carried on within the City even where the business premises of the brokerage business is located outside the City.

(2) This Schedule shall apply to brokers, owners and drivers of taxicab vehicles kept or used for hire in the City of Hamilton. The tariff/fare rates contained in Appendix "1" attached hereto and forming part of this Schedule shall apply respectively for use of taxicabs wholly within the City or to any point not more than 5 kilometres beyond its limits.

(3) This Schedule shall apply to any person who is operating a "taxicab" or an "accessible taxicab" of any type defined in this Schedule when engaged in the provision of a motor vehicle for hire that is licensed and regulated by the provisions of this Schedule.

3. EXEMPTIONS

(1) The licensing and fare provisions of this Schedule shall not apply to the owners and drivers of taxicabs while:

(i) engaged in the conveyance of goods or passengers from any point within the City to any point beyond the boundaries of the City where the conveyance is made to an airport owned and operated by the Crown in Right of Canada by a taxicab bearing a valid and subsisting plate issued in respect of the airport under the Government Airport Concession Operations Regulations under the Department of Transport Act (Canada); and

(ii) engaged in the conveyance of a disabled person, pursuant to a written contract provided the provisions of Section 38 of this Schedule are complied with, from any point within the City to any point outside the City.

(2) No person shall be required to be licensed under the provisions of this Schedule for the operation of an ambulance or a funeral hearse.

(3) The operation of a motor vehicle that has seating for 10 or more persons excluding the driver, does not require a licence under this Schedule.

(4) A motor vehicle operated by or on behalf of the City of Hamilton as part of a public transportation service, including a public transportation service for the transportation of senior citizens or disabled persons, and in particular including a vehicle owner or operated by the Hamilton Street Railway Company or a motor vehicle owner or operated by the Disabled and Regional Transit System (hereinafter called "DARTS"), or being a subcontractor to DARTS, is exempt from the requirement for an owners or drivers licence under Schedules 8 and 25 of By-Law 01-156, as amended.

(5) The transportation of students for hire, to and from school within the City of Hamilton where the vehicle used is a school bus that is licensed under the Public Vehicles Act, R.S.O. 1990, c.54 does not require a licence under Schedules 8 or 25 of By-Law 01-156, as amended. In this Schedule, the words "school" and "school bus" shall have the meanings provided in subsection 175(1) of the Highway Traffic Act.

(6) A motor vehicle licensed under the Public Vehicles Act, being used for the transportation of children, deemed to be of special need by the school board or other authority in charge of the school hiring the transportation, does not require a licence under Schedules 8 and 25 of By-Law 01-156, as amended. In this Schedule, a reference to "special need" shall be deemed a reference to needs as provided for in writing in the Transportation Policy of the Board of Education for the City of Hamilton, and The Hamilton-Wentworth Roman Catholic Separate School Board Transportation Policy and Regulations of such school board or other authority in charge of the school, as may be amended or added to from time to time, or as a board or other authority may accommodate under section 190 of the Education Act, R.S.O. 1990, c.E.2.

(7) A motor vehicle providing transportation under contract exclusively for children, and operating in a manner distinct from taxicab is exempt from the requirement for an owner's or driver's licence under Schedules 8 and 25 of By-Law 01-156, as amended;

For the purposes of the foregoing, the following meanings shall apply:

(i) "contract" means a written agreement to provide regular transportation services, for the taking of passengers to and from a specific location or to accommodate a need in common to the passengers in addition to transportation, with a term of at least one month, with fees for service fixed in the agreement and not by the metering of time or mileage of actual trips, and includes an agreement with a facility as opposed to the passengers; and

(ii) "manner distinct from taxicab" means lacking one or more characteristics of a taxicab.

4. SHORT TITLE

This Schedule shall be known as "A By-Law to Regulate Taxicabs and Taxicab Drivers, Owners and Brokers".

5. GENERAL PROHIBITIONS

(1) No person shall act as or hold oneself out to be a driver of a taxicab or to otherwise carry on or engage in the conveyance of passengers for hire or compensation within the City unless licensed as a driver under this Schedule.

(2) No person shall act as or hold oneself out to be the owner of a taxicab or otherwise carry on or engage in the conveyance of passengers for hire or compensation within the City unless licensed as an owner under this Schedule.

(3) No person shall act as or hold oneself out to be a broker of a taxicab or otherwise carry on or engage in the business of accepting orders and dispatching taxicabs for the conveyance of passengers within the City unless licensed as a taxicab broker under this Schedule.

(4) No person shall use or operate a motor vehicle to convey persons for hire or compensation or otherwise carry on or engage in the conveyance of passengers within the City except under the authority of a taxicab driver or taxicab owner's licence.

(5) No person shall represent or cause to be represented that he or she is licensed as a driver, owner or broker of a taxicab if he or she is not licensed under this Schedule.

(6) No person, other than a driver of a taxicab licensed under this Schedule, shall park a vehicle at any stand marked as a taxicab stand by authorized signs.

(7) No person licensed under this Schedule, when requested to do so by an Officer, shall fail to produce or deliver his or her licence and/or any other relevant documents or things required by this Schedule.

(8) No person shall obstruct an Officer while engaged in duties under this Schedule.

(9) No person shall operate a taxicab or act as a driver, owner or broker of a taxicab while such person's licence is under suspension.

(10) No person licensed as an owner or a broker of a taxicab pursuant to this Schedule shall acquiesce in or permit a driver, whose licence is under suspension, to drive a taxicab under the power or control of such owner or broker.

6. GENERAL DUTIES - TAXICAB DRIVERS/OWNERS/BROKERS

(1) There shall be taken out by every driver, owner and broker of a taxicab, a licence from the City authorizing such person to carry on or to engage in the conveyance of passengers for hire or compensation in the City.

(2) Where a person is required to obtain a licence under subsection (1),

(a) a separate licence certificate shall be issued for each licence applied for, and

(b) a separate licence certificate shall be issued for each taxicab.

(3) Every licence certificate issued to a taxicab owner or a taxicab broker shall clearly identify the one vehicle in respect of which the licence was issued to such taxicab owner or taxicab broker.

(4) Every driver, owner and broker of a taxicab shall report to the Issuer of Licences and/or an Officer, as required, pursuant to the provisions of this Schedule.

(5) Every driver, owner and broker of a taxicab shall provide to the Issuer of Licences and any Officer enforcing this Schedule, upon request and/or when required pursuant to this Schedule, all records and documents required to be prepared, retained and/or produced pursuant to this Schedule.

7. GENERAL DUTIES – ISSUER OF LICENCES

The Issuer of Licences shall be responsible:

(1) to receive and process all applications for licences and for the renewal of licences to be issued under this Schedule;

(2) to recommend the issuance and renewal of licences for applicants who meet the requirements of this Schedule;

(3) to enforce the provisions of this Schedule;

(4) to generally perform all of the administration functions required by this Schedule;

(5) upon receipt of an application for a licence or renewal thereof or a leasing agreement proposal made pursuant to this Schedule, make or cause to be made all investigations required by law, this Schedule or by the Committee relative to such application;

(6) be responsible for the issuance, suspension and revocation of all licences pertaining to this Schedule;

(7) when required, provide to applicants for licences under this Schedule the appropriate examination paper to be completed;

(8) maintain a record of all licences issued including the name and address of each licensee and the number of taxicabs owned by each licensee;

(9) maintain a record of each vehicle licensed hereunder including the make, model, year, serial number, the Provincial licence plate number; the taxicab owner plate number, and the date of the issuance of each licence;

(10) issue a licence plate to each licensed taxicab owner;

(11) issue a Tariff card to each licensed taxicab driver; and

(12) issue a photo identification card to each licensed taxicab driver.

8. LICENSING PREREQUISITES – TAXICAB DRIVERS

(1) No person shall be licensed or have a licence renewed as a taxicab driver:

(a) unless such person attends in person and not by agent or representative at the Issuer of Licences offices of the City and completes a written application for such a licence or a renewal thereof;

(b) unless such person pays all required fees, pursuant to this Schedule, the Fees Schedule and/or By-Law 01-156, to the Issuer of Licences;

(c) unless such person pays all outstanding fines and/or penalties imposed in accordance with the Municipal Act, 2001 and/or the Provincial Offences Act to the Issuer of Licences for contravention(s) of this Schedule and/or By-Law 01-156;

(d) unless such person completes all application forms required under this Schedule, or as required by the Issuer of Licences from time to time, and files same with the Issuer of Licences;

(e) unless such person fully completes an application for a taxicab driver's licence in a form prescribed by and available from the Issuer of Licences;

(f) unless such person provides proof to the Issuer of Licences that:

(i) he or she is at least eighteen (18) years of age and a citizen of Canada, a landed immigrant, or produces a valid work permit to work as a taxicab driver, issued by the Government of Canada.

(ii) he or she holds in his or her name a current, valid, full Class "G" Provincial motor vehicle driver's licence issued by the Province of Ontario under the provisions of the Highway Traffic Act; which is in good standing according to the laws of the Province of Ontario and Canada and the records of the Ministry of Transportation.

(iii) he or she is able to speak, read and write the English language; and

(iv) they have completed the approved service and skills training program(s) required by the Issuer of Licences under this Schedule;

(g) unless such person provides a letter of intent to employ from a licensed taxicab owner, lessee or taxicab broker for whom he or she will be driving;

(h) unless such person provides a Police Security Clearance Record Check and a Ministry of Transportation driver's abstract, dated no later than thirty-six (36) days prior to the application for a licence or renewal thereof, to the Issuer of Licences;

(i) unless such person meets the requirements of sections 5, 50, 51, 56 and 57 of this Schedule relating to driver duties; and

(j) where an investigation conducted under section 7(5) of this Schedule reveals that an applicant is not entitled to be licensed under section 23 of this Schedule.

Service And Skills Training Program

(2) No person shall be licensed as a taxicab driver:

(a) unless the applicant for a licence, before a licence is issued, undertakes and successfully completes a service and skills training program, as prescribed by the Issuer of Licences, including an in-car component, as well as in-class tests and sessions encompassing geography, customer service, tourism, hospitality, defensive driving, communication skills, cab maintenance, Schedule 25 provisions and monetary transactions. Without limiting the foregoing, the applicant for a licence, before a licence is issued, shall demonstrate a satisfactory knowledge of,

(i) the operation of a taxicab and of this Schedule and By-Law 01-156, as it relates to taxicabs;

(ii) the laws and regulations pertaining to traffic and motor vehicles;

(iii) the relationship between taxicab drivers and limousines drivers in respect of passengers including duties, behaviours, appearance, decorum;

(iv) the use of the equipment part of taxicabs including two-way radio, taximeter, required emergency equipment and roof lights;

(v) the use of trip sheets, making damage reports and record keeping; and

(vi) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides;

(b) In the interim, prior to the implementation of the service and skills training program by the City set out in subsection 8(2)(a), the applicant for a licence, before a licence is issued, shall undertake and successfully complete one or more written tests set by the Issuer of Licences pertaining to his or her knowledge of,

(i) the operation of a taxicab and of this Schedule and By-Law 01-156, as it relates to taxicabs;

(ii) the laws and regulations pertaining to traffic and motor vehicles;

(iii) the relationship between taxicab drivers and limousines drivers in respect of passengers including duties, behaviours, appearance, decorum;

(iv) the use of the equipment part of taxicabs including two-way radio, taximeter, required emergency equipment and roof lights;

(v) the use of trip sheets, making damage reports and record keeping; and

(vi) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides;

(3) Notwithstanding the provisions of subsection 8(2)(a), taxicab drivers licensed at the time of the enactment of this Schedule shall be required to undertake and complete an updating service and skills training program, as prescribed by the Issuer of Licences, within three (3) years from the date of the enactment of this Schedule unless the Issuer of Licences determines, in his or her opinion, that circumstances warrant that a driver should undertake and complete the updating service and skills training program at or within an earlier time period or should undertake and complete the full service and skills training program before renewal of his or her licence;

(4) Only those persons successfully completing the required service and skills training program will be issued a taxi driver licence or renewal thereof in the City of Hamilton, and all such drivers shall be required to undergo updating or re-testing as deemed necessary by the Issuer of Licences;

(5) Notwithstanding any other provision of this Schedule, no licence shall be issued to an applicant nor any licence renewed unless such person applying, if required to undertake and complete any testing, updating or re-testing program, including but not limited to those programs stipulated in subsections 8(2)(a) and (b),

(i) receives a mark of at least seventy-five percent (75%) on the first attempt in each section of the written tests and other examinations of such program; or

(ii) receives a mark of at least eighty-five percent (85%) on the second or any subsequent attempt in each of the written tests and other examinations of such program.

(iii) Only three (3) attempts to successfully undertake and complete the interim testing program, as set out in subsection 8(2)(b), may be made by an applicant for a licence. This provision shall not limit the right of an applicant to attempt the service and skills training program set out in subsection 8(2)(a).

(6) The City of Hamilton shall undertake a regulatory role in the provision of the driver service and skills training and testing programs with the administrative role being carried out by educational institutions approved by the Issuer of Licences.

9. LICENSING PREREQUISITES – TAXICAB OWNERS

No person shall be licensed as a taxicab owner or have such a licence renewed:

(1) unless such person attends in person and not by agent or representative at the Issuer of Licences offices of the City and completes a written application for such a licence or a renewal thereof,

(a) where the applicant is a partnership, a partner shall attend for the purpose of subsection 9(1);

(b) where the applicant is a corporation the application shall be completed and filed personally by an officer or director of the Corporation having signing authority for the purpose of subsection 9(1);

(2) unless such person pays all required fees and completes and files all application forms required under this Schedule with the Issuer of Licences;

(3) unless such person fully completes an application for a taxicab owner's licence in a form prescribed by and available from the Issuer of Licences;

(4) unless:

(a) such person is licensed as a taxicab driver under this Schedule and where the person is a corporation, the person holding shares carrying at least fifty-one percent (51%) of the voting rights attached to all shares of the corporation for the time being issued and outstanding shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule;

(b) if no one person holds at least fifty-one percent (51%) of the voting rights of the corporation, then the minority shareholder, holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule. Where among the minority shareholders there are more than one minority shareholder holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, the corporation shall designate the minority shareholder among such group who shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule.

(5) unless such person files with the Issuer of Licences proof that he or she holds a current passenger motor vehicle permit which is in good standing and was issued only in the applicant's name by the Ontario Ministry of Transportation for the motor vehicle of which he or she is the owner;

(6) unless such person produces and files with the Issuer of Licences, either an Ontario Ministry of Transportation Vehicle Inspection Report, showing that the vehicle to be licensed has been approved and accepted within the previous thirty-six (36) days, or a safety standards certificate issued under the Highway Traffic Act R.S.O. 1990, c. H. 8 within thirty-six (36) days of application;

(7) unless such person produces and files with the Issuer of Licences, a copy of a current and valid Ontario Standard Automobile Insurance policy for the vehicle for which such person is the owner and the policy shall be endorsed to provide that the Issuer of Licences will be given at least thirty (30) days' notice in writing prior to any cancellation, expiration or change in the coverage amount or terms of the policy and the policy shall have a third party liability limit of no less than $5,000,000.00 per occurrence, exclusive of interest and costs, indemnifying and protecting the owner and the public, including passengers and goods carried in such vehicles, inclusive of public liability and property damage;

(8) unless, where the applicant is an individual or a partner of a partnership, such person provides proof that he or she is at least eighteen (18) years of age;

(9) unless, where the applicant is a corporation, the applicant has submitted to the Issuer of Licences a copy of the incorporating documentation, a copy of the last initial notice/notice of change which has been filed with the appropriate government department and a Certificate of Status issued by the Ministry of Consumer and Business Services;

(10) unless, where the applicant is a corporation, the applicant has provided details of the corporate ownership in a form acceptable to the Issuer of Licences;

(11) unless, where the applicant is a partnership, the applicant has provided details of the partners and interests in the partnership of each such partner in a form acceptable to the Issuer of Licences;

(12) unless such person provides a Police Security Clearance Record check, dated no later than thirty-six (36) days prior to the application for a licence or renewal thereof, to the Issuer of Licences,

(a) in the case of a partnership, the Police Security Clearance Record check shall be of each partner; and

(b) in the case of a corporation, the Police Security Clearance Record check shall be of each officer, director and shareholder;

(13) unless the vehicle registered in the persons name meets the requirements of sections 41 to 46, inclusive, of this Schedule relating to vehicle approval;

(14) unless such person provides on his or her own or in conjunction with a licensed taxicab broker, a suitable office for the carrying on or engaging in his or her business and keeps the same orderly, clean and neat;

(15) unless the applicant, and in the case of a Corporation an officer of the Corporation, files with the Issuer of Licences a valid certificate of completion of an approved service and skills training program required pursuant to this Schedule by the Issuer of Licences;

(16) unless the applicant for a taxicab owner's licence has been directly and actively engaged in taxicab industry for a period of at least twelve (12) months preceding the date of application;

(a) For the purposes of subsection 9(16), "directly and actively engaged in the taxicab industry" shall mean active for an average of at least 35 hours per week during at least forty (40) weeks of the previous twelve (12) month period, preceding the date of application for a licence, in the City of Hamilton taxicab industry in the capacity of a licensed taxicab driver, a licensed taxicab owner, a licensed taxicab broker, a taxicab dispatcher, a taxicab telephone service operator or a taxicab business mechanic;

(b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 9(16), the applicant may complete and file with the Issuer of Licences in lieu thereof a sworn Declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario and such other evidence as the Issuer of Licences may require and a sworn declaration that he or she has actually engaged in the taxicab industry on a full time basis in the City as,
(i) a licensed taxicab driver,
(ii) a licensed taxicab owner,
(iii) a licensed taxicab broker,
(iv) a taxicab dispatcher,

(v) a taxicab telephone service operator, or
(vi) a taxicab business mechanic,
for a period of not less than one (1) year immediately preceding the onset of the medical disability and during any period that the applicant was able to be so actively engaged during the year preceding the date of application and is, at the date of application, fit to undertake active engagement in the management or day to day operations of his or her taxicab(s) as defined in subsection 9(17)(a).

(17) unless the applicant for the renewal of a taxicab owner's licence has been directly and actively engaged in the management or day to day operations of his or her taxicab for a period of at least twelve (12) months preceding the date of application;

(a) For the purposes of subsection 9(17), "directly and actively engaged in the management or day to day operations of his or her taxicab(s)" shall mean active for an average of at least 35 hours per week during at least forty (40) weeks of the previous twelve (12) month period, preceding the date of application for a licence or renewal thereof, in the City of Hamilton in the capacity of a licensed taxicab owner;

(b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 9(17), the applicant may complete and file with the Issuer of Licences in lieu thereof a sworn Declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario and such other evidence as the Issuer of Licences may require and a sworn declaration that he or she has actually engaged in operating a taxicab on a full time basis in the City as a licensed taxicab owner for a period of not less than one (1) year immediately preceding the onset of the medical disability and during any period that the applicant was able to be so actively engaged during the year preceding the date of application and is, at the date of application, fit to resume active engagement in the management or day to day operations of his or her taxicab(s).

(18) upon enactment of this Schedule, every then holder of a taxicab owner's licence shall provide proof that he or she has been directly and actively engaged in the management or day to day operations of his or her taxicab(s) for the past six (6) years preceding the date of application to be eligible to apply for a renewal of such taxicab owner's licence.

(a) For the purposes of subsection 9(18), "directly and actively engaged in the management or day to day operations of his or her taxicab(s)" shall mean active in the City of Hamilton in the capacity of a licensed taxicab owner for an average of at least 35 hours per week during at least forty (40) weeks of each twelve (12) month period in the six (6) years preceding the date of application for a renewal of such taxicab owner's licence;

(b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 9(18), the applicant may complete and file with the Issuer of Licences in lieu thereof a sworn Declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario and such other evidence as the Issuer of Licences may require and a sworn declaration that he or she has actually engaged in operating a taxicab on a full time basis in the City as a licensed taxicab owner for a period of not less than six (6) years immediately preceding the onset of the medical disability and during any period that the applicant was able to be so actively engaged during the year preceding the date of application and is, at the date of application, fit to resume active engagement in the management or day to day operations of his or her taxicab(s).

(19) The documentation to establish direct and active engagement, as required by subsections 9(16), (17) and (18), which shall be submitted to the Issuer of Licenses by the applicant for a taxicab owner's licence or a renewal thereof shall include, but not be limited to, the following:

- (i) the original or certified copy of the certificate of insurance for the subject vehicle(s);
- (ii) the original drivers' lists;
- (iii) the original trip sheets;
- (iv) the original mechanical fitness and safety certificates issued under the Highway Traffic Act;
- (v) the Customs and Revenue Canada T4 Form for each taxicab driver;
- (vi) the City inspection certificates; and
- (vii) vehicle ownership;

(20) unless such person meets the requirements of Sections 5, 52, 53, 56 and 57 of this Schedule relating to owner duties; and

(21) where an investigation conducted under Section 7(5) of this Schedule reveals that the applicant is not entitled to be licensed under Section 23 of this Schedule.

9.1 LICENSING PREREQUISITES – ACCESSIBLE TAXICAB OWNERS

(1) Each applicant for an accessible taxicab owner licence or renewal thereof shall:

(a) be a licensed taxicab owner with the City of Hamilton in accordance with the provisions of this Schedule and meet the prerequisites thereof;

(b) submit his or her taxicab owner licence to the Issuer of Licences for endorsement to permit the use of the licensed vehicle as an accessible taxicab.

10. LICENSING PREREQUISITES - TAXICAB BROKERS

No person shall be licensed as a taxicab broker or have such a licence renewed:

(1) unless such person attends in person and not by agent or representative at the Issuer of Licences offices of the City and completes a written application for such a licence or a renewal thereof and where the applicant is a corporation, the application shall be completed and filed personally by an officer or director of the Corporation having signing authority;

(2) unless such person pays all required fees and completes and files all application forms required under this Schedule with the Issuer of Licences;

(3) unless such person fully completes an application for a taxicab broker's licence in a form prescribed by and available from the Issuer of Licences;

(4) unless, where the applicant is an individual or a partner, such person provides proof that he or she is at least eighteen (18) years of age;

(5) unless such person provides a Police Security Clearance Record check, dated no later than thirty-six (36) days prior to the application for a licence or renewal thereof, to the Issuer of Licences,

(a) in the case of a partnership, the Police Security Clearance Record check shall be of each partner; and

(b) in the case of a corporation, the Police Security Clearance Record check shall be of each officer, director and shareholder;

(6) unless, where the applicant is a corporation, the applicant has submitted to the Issuer of Licences a copy of the incorporating documentation, a copy of the last initial notice/notice of change which has been filed with the appropriate government department and a Certificate of Status issued by the Ministry of Consumer and Business Services;

(7) unless, where the applicant is a corporation, the applicant has provided details of the corporate ownership in a form acceptable to the Issuer of Licences;

(8) unless, where the applicant is a partnership, the applicant has provided details of the partners and interests in the partnership of each such partner in a form acceptable to the Issuer of Licences;

(9) unless such person provides proof to the Issuer of Licences that the premises from which he or she intends to operate, carry on or engage in the business of a taxicab broker, on his or her own or in conjunction with a licensed taxicab owner, are situated within the limits of the City and will continue to be so situated throughout the term of his or her licence and are suitable for the operation of, carrying on or engaging in the taxicab broker business and that such premises will be kept orderly, clean and neat and comply with applicable zoning;

(10) unless such person provides proof to the Issuer of Licences that he or she has a satisfactory system for receiving and dispatching calls for the taxicabs operating within his or her fleet, and that such system will not interfere with the operation of the taxicabs of another taxi broker, taxicab owner or fleet;

(11) where, on application for renewal of a broker's licence, the licensee has not complied with Sections 5, 54, 55, 56 and 57 of this Schedule or where the licensee has not returned the licence issued for the year immediately prior to renewal; and

(12) where an investigation conducted under section 7(5) of this Schedule reveals that the applicant is not entitled to be licensed under section 23 of this Schedule.

11. LICENCE FEES

The licence fees to be paid to the City for those licences referred to in this Schedule shall be as outlined in the Fees Schedule (Schedule "31" of By-Law 01-156, as amended from time to time).

12. TERMS AND CONDITIONS

Notwithstanding any other provision of this Schedule, the Council, on the recommendation of the Committee, may issue a licence or renew a licence subject to such terms and conditions as are necessary to give effect to the intent and purpose of this Schedule and By-Law 01-156 if first consented to by the applicant or licensee or if recommended by the Issuer of Licences during a hearing or after a hearing as provided in section 24 of this Schedule.

13. LIMITATIONS

(1) The following limitations are imposed on the issuance of taxicab owner licences in the City of Hamilton:

(a) A licence issued under the provisions of this Schedule shall expire one year from the date of issue or on the date specified on the licence, unless renewed or previously suspended or revoked,

(b) No new taxicab owner's licences shall be issued by the City of Hamilton for one year from the date of enactment of this Schedule to measure the impact of amalgamation on the taxi industry.

(c) The issuance of new taxicab owner's licences shall be in accordance with the current ratio of taxicab owners' licences to population of one (1) taxicab owner's licence per 1,170 population.

(2) Notwithstanding any other provision of this Schedule, no taxicab owner's license shall be issued, except for renewals or approved transfers, until Council authorizes the issuance of licences for that year.

(3) Notwithstanding any other provision of this Schedule, Council may authorize the issuance of additional temporary licences for major special events in the City, as determined by Council, expiring upon the termination of the event.

(4) Every licence and licence plate issued under this Schedule is the property of the City and no person shall enjoy a vested right to a licence issued under this Schedule.

14. EXISTING PRIORITY LISTS

Any and all names on the taxicab owner's licence Priority Lists for the former City of Hamilton and the former City of Stoney Creek, existing at the time of passage and enactment of this Schedule, shall be transferred to the Priority List of this Schedule and in the same order of priority as was in existence at such time. The Priority List is set out in Appendix "4" to this Schedule.

15. CLOSURE OF PRIORITY LIST

(1) No names shall be added to the Priority List and the Issuer of Licences shall not receive or process any application for entry to the list, subject to the powers of the Issuer of Licences under this Schedule and the powers of Council.

(2) No transfers or changes of position on the Priority List shall be permitted.

16. STAYING ON PRIORITY LIST

(1) Persons whose names are on the Priority List shall renew their entry on the list on or before September 30 of each year, by paying the prescribed fee and attending before the Issuer of Licences, to confirm his or her entry on the Priority List as accurate by filing with the Issuer of Licences a sworn declaration to that effect or amend the details of such entry.

(2) The Issuer of Licences may receive and process all renewals and fees from persons on Priority List, note any changes, and submit an amended list to the Licensing Committee for approval.

(3) A person who fails to renew their entry on the Priority List, as required by subsection 16(1) herein, on or before September 30 shall attend before the Issuer of Licences to pay the prescribed renewal fee together with a late filing fee in accordance with the Fees Schedule and to confirm his or her entry on the Priority List as accurate by filing with the Issuer of Licences a sworn declaration to that effect or amend the details of such entry, no later than December 31 of that same year, so as to have their entry maintained on the Priority List, failing which the person's name and entry shall be struck from the Priority List.

(4) Where a person fails to meet the requirements of this section for staying on the Priority List and renewal, the Issuer of Licences shall delete their name from the Priority List.

(5) Service of any documents on an applicant on the Priority List shall be made to the last recorded address filed by the applicant with the Issuer of Licences.

(6) Upon a transfer of a licence or a change in ownership of a licence or interest thereof being approved pursuant to section 34 of this Schedule, the names of the transferor and transferee shall be struck off the Priority List.

(7) The Issuer of Licences shall remove the name of a taxicab owner or a taxicab driver from the Priority List immediately upon his or her death.

(8) An applicant for a taxicab owner's licence on the Priority List must be directly and actively engaged in the taxicab industry, as defined in subsection 9(16)(a), at all times to have his or her name remain on the Priority List and to remain on the Priority List:

(a) the applicant must annually complete and file with the Issuer of Licences, a sworn Declaration confirming that he or she was directly and actively engaged in the Hamilton taxicab industry in the capacity of a licensed taxicab driver, a licensed taxicab owner, a licensed taxicab broker, a taxicab dispatcher, a taxicab telephone service operator or a taxicab business mechanic, for an average of at least 35 hours per week during at least forty (40) weeks of the previous twelve (12) month period;

(b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 16(8)(a), the applicant may complete and file with the Issuer of Licences in lieu thereof, a sworn Declaration so stating together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario, and a sworn declaration that he or she has actually engaged in operating a taxicab on a full time basis in the City as,
(i) a licensed taxicab driver,
(ii) a licensed taxicab owner,
(iii) a licensed taxicab broker,
(iv) a taxicab dispatcher,
(v) a taxicab telephone service operator, or
(vi) a taxicab business mechanic,
for a period of not less than two (2) consecutive years immediately preceding the onset of the medical disability.

(c) Where an applicant elects to file a sworn declaration under subsection 16(8)(b), on or before the date of consideration of the application by the Licensing Committee, the applicant shall provide evidence, to the satisfaction of the Licensing Committee, of the medical disability from not less than two duly licensed medical practitioners of the applicant's choice and, if required by the Licensing Committee, shall submit to a medical examination by a medical practitioner selected by the Licensing Committee and the City of Hamilton Human Resources Department.

(d) Nothing in this subsection 16(8) shall operate to relieve an applicant from any other applicable conditions or requirements of this Schedule.

(e) Where an applicant fails to meet the requirements of subsections 16(8)(b) and (c) or the requirements of subsections 16(8)(a), as the case may be, his or her name shall be deleted from the Priority List and no licence shall be issued to that applicant.

17. ISSUANCE OF OWNER'S LICENCES FROM PRIORITY LIST

(1) When Council gives approval for the issuance of new taxicab owner licences, the Issuer of Licences shall advise the Licensing Committee of the numbers of licences to be issued.

(2) The Issuer of Licences may then send a notice to the person whose name appears first on the Priority List in number felt sufficient to complete the issuance of available taxicab owner's licences, and arrange for hearings before the Licensing Committee to be held on applications. In the event that more than one applicant appears first on the Priority List due to being entered on the Priority List on the same date, subject to any restrictions imposed by the Licensing Committee or Council, the Issuer of Licences shall forward a notice to all such applicants of their eligibility to apply for an owner's licence.

(3) If an applicant fails to provide the Issuer of Licences with a current and valid mailing address on the original application or any amendments thereto, the Issuer of Licences shall not be required to make any additional effort to locate the applicant or a forwarding address for the applicant. The applicant shall be deemed notified three (3) days after the notice is mailed to the applicant in accordance with this section.

(4) A person who is entered on the Priority List, after being notified or deemed notified by the Issuer of Licences under subsections 17(2) and (3), shall file a completed application with the Issuer of Licences within fourteen (14) days of the date of the said notice and prior to consideration of the application by the Licensing Committee, together with the following:

(a) a sworn declaration, in a form prescribed by and available from the Issuer of Licences, that he or she has actively engaged in operating a taxicab full-time in the City as,

(i) a taxicab owner,

(ii) a licensed taxicab driver,

(iii) a taxicab dispatcher,

(iv) a taxicab business mechanic, or

(v) a taxicab telephone service operator,

for a period of not less than two (2) full and consecutive years immediately preceding the date of consideration of the application by the Licensing Committee; and

(b) either,

(i) a certified true copy by the Canada Customs and Revenue Agency ("Revenue Canada") of income tax returns for two consecutive years immediately preceding the date of consideration of the application by the Licensing Committee; and/or

(ii) any one of, or any combination of the following in respect of the two consecutive years immediately preceding the date of consideration of the application by the Licensing Committee:

1. a certified copy of record of employment,
2. statements of insurable earnings as issued by the Unemployment Insurance Commission,
3. statements of contributions to the Canada Pension Plan as issued by Revenue Canada,
4. monthly charge statements as issued by a taxicab broker operating in the City of Hamilton.
5. original trip records, or
6. such other or equivalent documentation as the Licensing Committee may accept.

(c) In the case of a taxicab driver, for all purposes of subsection 17(4)(a) and (b), "one full year" shall mean not less than 1400 hours in a full year;

(d) in the case of a taxicab dispatcher or telephone service operator, for the purpose of subsection 17(4)(a) and (b), "one full year" shall mean not less than 1400 hours in a full year;

If the applicant fails to file with the Issuer of Licences the required documentation in the stipulated time, the individual's application shall be voided and no licence issued, and the individual shall be struck from the Priority List

(5) Upon issuance or denial of a taxi owner's licence to an individual under this Schedule, the Issuer of Licences shall delete the individuals name from the Priority List.

(6) The Issuer of Licences shall notify an individual that a taxi owner's licence may be issued, and the individual shall within fourteen (14) days of the date of giving notice submit proof of compliance with Sections 6 and 9 of this Schedule failing which the individual's application shall be voided and no licence issued, and the individual shall be struck from the Priority List.

(7) Upon approval of the applicant by the Licensing Committee, the Issuer of Licences shall issue forthwith the licence to that person whose name appears first on the Priority List, provided the person complies with and meets the criteria and obligations for being licensed under this Schedule.

(8) No taxicab owner issued a new licence after the enactment of this Schedule shall lease or give up possession, custody or control of his or her licensed taxicab for a period of five (5) years from the date of issuance of his or her licence from the Priority List except to drivers engaged by the taxicab owner on an individual shift basis in accordance with this Schedule and except in the case of a vehicle replacement in accordance with this Schedule.

(9) No person on the Priority List at the enactment of this Schedule who is issued a new owner's licence shall sell, transfer or give up any control or interest of or in the said owner's licence for a period of five (5) years from the date of issuance of such licence.

(10) When a taxicab owner's licence is issued to the applicant whose name is on the Priority List, the name of that applicant shall be removed from the Priority List by the Issuer of Licences and all other applicants on the Priority List shall be moved forward one position.

18. EFFECTIVE ISSUE FROM PRIORITY LIST

(1) When an owner's licence and plate is issued from the Priority List, the applicant who has been approved for the issuance of a licence shall, within thirty (30) days of the date of being notified by the Issuer of Licences of the available taxicab owner's licence, affix the licence plate to a vehicle registered in his or her name that shall be continuously operated as a taxicab and put his or her taxicab into operation in accordance with this Schedule.

(2) In the event that the applicant fails to meet the thirty (30) day period set out in subsection 18(1), his or her application for the licence shall be voided and he or she shall be ineligible for the licence and the next person on the Priority List shall become eligible for the licence.

19. NO VESTED INTEREST OR BINDING EFFECT

The Priority List shall not oblige the City to issue a licence to anyone on the list, regardless of being at the top or the earliest entry, nor give any such person a vested interest in a taxi owner licence and its use shall be solely for establishing the order of priority of persons seeking a taxi owner's licence.

Notwithstanding the provisions of sections 14, 15, 16, 17 and 18, Council may, delete names of individuals from the Priority List.

20. TIME FOR RENEWAL

(1) Every licensee shall apply for renewal of a driver's, owner's or taxicab broker's licence before the expiry date of the licence. Where an application for renewal of a driver's, owner's or taxicab broker's licence is not delivered to the Offices of the Issuer of Licences in the manner prescribed by this Schedule prior to the expiry date of the licence, the licence shall be deemed to have been abandoned. Any licensee who makes application for renewal of a licence after one month after the expiry date of the licence shall do so as a new applicant.

(2) The Issuer of Licences may forward a renewal notice to all licensees, to the last address filed by the licence holder with the Issuer of Licences. The Issuer of Licences shall not be required to make any additional effort to locate a forwarding address for the licensee.

(3) The failure to receive a notification of renewal shall not relieve a licensee from the responsibility to renew a licence issued under this Schedule within the time frame and in the manner as prescribed in subsection 20(1) of this section.

21. ISSUE AND RENEWAL OF LICENCE

Where an application for a licence is made or where an application for a licence renewal is made in accordance with the provisions of this Schedule and where the applicant or licensee meets all the prerequisites as provided for in sections 8, 9, 9.1 or 10 of this Schedule, as applicable, and By-Law 01-156 and, in the case of a licence renewal, has complied with all of the duties, obligations and responsibilities of a licensee contained in this Schedule and By-Law 01-156, unless previously suspended or revoked, upon payment of the prescribed fee, the Issuer of Licences may issue or renew a licence on an annual basis which shall set out the expiry date and, in the case of a taxicab owner's licence, shall also issue an owner's plate and the applicant shall thereby be licensed. A person who is the owner of a fleet shall take out a separate licence for each vehicle owned by such owner which is to be used as a taxicab in the City.

22. SUSPENSION AND REVOCATION

(1) In addition to any other penalty which may be imposed pursuant to this Schedule, the Issuer of Licences:

(a) may suspend a licence for failure to comply with any of the provisions of this Schedule;

(b) may suspend a licence where it is, on reasonable grounds, in the public interest to do so, including but not limited to public health and safety reasons;

(c) shall suspend a taxicab owner's licence upon failure to maintain on file proof of insurance in accordance with section 52(4) of this Schedule; and

(d) shall suspend a taxicab driver's licence upon failure to comply with sections 5, 50, 51, 56 and 57;

(e) shall suspend a taxicab owner's licence upon failure to comply with sections 5, 52, 53, 56 and 57;

(f) shall suspend a taxicab broker's licence upon failure to comply with sections 5, 54, 55, 56 and 57;

(2) A suspension shall be and remain in force until such time as the licensee has satisfied the Issuer of Licences as to his or her compliance with the Schedule and, where applicable, the licensee has satisfied the Issuer of Licences that the public interest no longer requires the suspension of such licence.

(3) Upon notification of suspension of his or her licence, the licensee shall surrender such licence to the Issuer of Licences.

(4) Any licence which has been under suspension for a period in excess of 120 days shall be revoked by the Issuer of Licences.

(5) The decision of the Issuer of Licences may be appealed to the Licensing Committee in accordance with section 24.

23. GROUNDS FOR REFUSAL TO ISSUE, REFUSAL TO RENEW OR TO REVOKE A LICENCE

An applicant is entitled to be licensed and a licensee is entitled to have his or her licence renewed except where:

(1) having regard to his or her financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business which is to be licensed or is licensed;

(2) the past conduct of the applicant or licensee or lessee affords reasonable grounds for the belief that the applicant or licensee or lessee will not carry on the activity for which a licence had been or may be issued or renewed in accordance with this Schedule and the law and with professionalism, integrity and honesty;

(3) the issuance, renewal or continuance of the licence would be contrary to the public interest;

(4) the applicant fails to comply with section 8, 9, 9.1 or 10 of this Schedule, as applicable;

(5) the licensee is a driver and a proven customer complaint has been received relating to the driver's knowledge of the geography of the City and the Issuer of Licences requires the licensee to attempt and successfully complete a written test prior to having his or her licence renewed and the licensee does not obtain a mark of at least seventy-five percent (75%);

(6) the applicant or licensee is, has been during the term of the licence or will be, by act or omission, in contravention of this Schedule or By-Law 01-156 or has failed to comply with his or her duties, obligations and responsibilities contained in this Schedule or By-Law 01-156;

(7) the applicant or licensee is a corporation; and

(a) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the business for which it is to be licensed;

(b) the past conduct of the officers or directors of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he or she is to be licensed or continue to be licensed in accordance with law; or,

(c) the issuance, renewal or continuance of the licence would be contrary to the public interest;

(8) the applicant or licensee cannot provide proof of public liability and property damage insurance in the form and amount prescribed by this Schedule; and/or

(9) the applicant has misrepresented or omitted to a representative of the Issuer of Licences or to the Licensing Committee a material fact in his or her application for the licence being applied for or for a prior licence.

24. HEARINGS BEFORE THE COMMITTEE

(1) Where an applicant or licensee is not entitled to be licensed or to have his or her licence renewed for any of the grounds set out in sections 23, the Issuer of Licences shall recommend to the Licensing Committee that the Committee suspend the licence or, that Committee issue a licence on terms and conditions or that the Committee recommend to Council that the licence not be issued or renewed or that it be revoked.

(2) Where the Issuer of Licences suspends, revokes or denies an applicant a licence or renewal thereof, written notice advising the applicant or licensee of such suspension, revocation or denial shall be made by the Issuer of Licences to the applicant.

(3) Where the Committee receives a recommendation to refuse to issue or refuse to renew a licence or to suspend or revoke a licence, written notice advising the applicant of the recommendation being made by the Issuer of Licences to the Committee with respect to the licence shall be given to the applicant or licensee by the Issuer of Licences.

(4) The written notice to be given under subsections (2) and (3) shall:

(a) set out the grounds for the recommendation, suspension, revocation or denial;

(b) give reasonable particulars of the grounds for the recommendation, suspension, revocation or denial;

(c) be signed by the Issuer of Licences; and

(d) inform the applicant that he or she is entitled to a hearing before the Committee if he or she delivers within seven (7) days after the date of service of the written notice, a written request for a hearing before the Committee together with the non-refundable fee set out in the Fees Schedule.

25. HEARING FEE & NOTICE

On receipt of a written request for a hearing from an applicant together with the non-refundable fee set out in the Fees Schedule, as amended from time to time, the City's Clerk shall convene a meeting of the Committee for a purpose of hearing over the matter and shall give the applicant reasonable written notice thereof.

26. SERVICE OF WRITTEN NOTICE

(1) Subject to any specific notice provisions to the contrary contained in this Schedule, any written notice referred to in this Schedule, to be provided by the Issuer of Licences, an Officer, the Licensing Committee, the Council, the City or a Clerk thereof, is sufficiently served if delivered personally or sent by regular mail addressed to the person to whom service is required to be made according to the Issuer of Licences records at the last address filed by such person with the Issuer of Licences.

(2) When service is made by regular mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he or she did not, acting in good faith, through accident, illness or other cause beyond his or her control, receive the written notice until a later date.

27. THE COMMITTEE HEARING

(1) An applicant is entitled to a hearing before the Committee where the Issuer of Licences has suspended, revoked or denied his or her licence or a renewal thereof or the Issuer has submitted to the Committee a recommendation to that effect, if the applicant delivers within seven (7) days after the date of service of the written notice set out in subsection 24(4), a written request for a hearing before the Committee together with the non-refundable fee set out in the Fees Schedule.

(2) When the applicant who has been given written notice of the hearing pursuant to sections 25 and 26 does not attend at the appointed time and place, the Committee may proceed with the hearing in his or her absence and the applicant shall not be entitled to any further notice of the proceedings.

(3) Where an applicant elects to file a sworn declaration under subsection 9(16)(b), 9(17)(b) or 9(18)(b) or on or before the date of consideration of the application by the Licensing Committee, the applicant shall provide evidence, to the satisfaction of the Licensing Committee, of the medical disability from not less than two duly licensed medical practitioners of the applicant's choice and, if required by the Licensing Committee, shall submit to a medical examination by a medical practitioner selected by the Licensing Committee and the City of Hamilton Human Resources Department.

(4) At the conclusion of a hearing, the Committee may:

- (a) confirm, modify, quash or otherwise vary any action taken or recommendation made by the Issuer of Licences;
- (b) refuse to issue or refuse to renew or revoke any licence; and
- (c) issue a licence and attach any condition as deemed necessary.

(5) At the conclusion of a hearing, the Committee shall, as soon as practicable, submit a written report on the hearing to Council and the report shall:

- (a) summarize the evidence and the arguments presented by the parties to the hearing;

(b) set out the findings of fact and record any actions taken or decisions made by the Committee; and

(c) set out all the actions or recommendations taken or made by the Committee and the reasons for such actions or recommendations.

28. COUNCIL AFTER THE HEARING

The Issuer of Licences shall submit to the Council, as soon as practicable after the conclusion of a Committee hearing, the Committee's hearing report and the Council may:

(1) confirm, modify, quash or otherwise vary any action taken or recommendation made by the Committee;

(2) refuse to issue or refuse to renew or revoke any licence;

(3) issue a licence and attach any condition as deemed necessary; and

(4) do any act or make any decision that it might have done had it conducted the hearing itself and upon reaching a decision the applicant or licensee shall not be entitled to a further hearing on the matter before Council.

29. COMMITTEE'S POWER TO RECOMMEND TO COUNCIL LICENCE REVOCATION OR REFUSAL

The Committee may recommend that Council refuse to issue, refuse to renew or revoke a licence where:

(1) the applicant or licensee has failed to comply with the prerequisites contained within sections 8, 9, 9.1 or 10 of this Schedule, as applicable, or any of the duties, responsibilities, obligations or prohibitions of an applicant or licensee contained in this Schedule or By-Law 01-156 or would be disentitled to a licence for any of the reasons set out under section 23 of this Schedule.

(2) the applicant or licensee is a taxicab owner and has failed to continuously operate the vehicle for which a taxicab owner's plate has been issued unless the taxicab owner can show to the satisfaction of the Committee just cause for such failure.

(3) the licensee is a taxicab broker and has failed to carry on or engage in the taxicab brokerage business unless the taxicab broker can show cause to the satisfaction of the Committee just cause for such failure.

(4) the licensee has failed to comply with any term or condition attached to the licence issued or renewed under this Schedule.

30. COMMITTEE'S POWER TO SUSPEND A LICENCE

Committee may suspend a licence where:

(1) the licensee would be disentitled to a licence for any of the reasons set out under section 23 of this Schedule;

(2) the licensee has failed to comply with any of the duties, responsibilities, obligations or prohibitions of contained in this Schedule or By-Law 01-156;

(3) the licensee is an owner and has failed to continuously operate the vehicle for which the taxicab owner's plate has been issued unless the owner can show to the satisfaction of the Committee just case for the failure;

(4) the licensee is a taxicab broker and has failed to carry on or engage in the taxicab brokerage business unless the taxicab broker can show to the satisfaction of the Committee just cause for such failure; or

(5) the licensee has failed to comply with any term or condition attached to the licence issued or renewed under this Schedule.

31. FEES NON-REFUNDABLE

Unless otherwise provided in this Schedule, any fee required to be paid pursuant to the Fees Schedule shall not be refunded.

32. RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

(1) When a licence has been revoked or suspended, the holder of the licence shall return the licence and, if applicable, owner's plate to the Issuer of Licences within twenty-four (24) hours of service of written notice of the decision of Committee or Council and the Issuer of Licences or Officer may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking or removing the said licence and owner's plate.

(2) When a person has had his or her licence revoked or suspended under this Schedule, he or she shall not refuse to deliver up or in any way obstruct or prevent the Issuer of Licences or Officer from obtaining the licence and the owner's plate in accordance with subsection (1) of this section.

33. DESTRUCTION or LOSS OF OWNER'S PLATE or PRESCRIBED CARDS

When an owner's plate, the Tariff card, the Taxicab Passengers' Bill of Rights card, the Taxicab Driver's Bill of Rights card, the driver's photo identification or the licence is defaced, destroyed or lost, the licensee shall, within seventy-two (72) hours, apply to the Issuer of Licenses for a replacement and shall pay the appropriate fee for same, and the Issuer of Licenses may issue a replacement.

34. TRANSFER OF LICENCE HOLDER

(1) For the purposes of this section, "transfer" shall include any transfer, sale or other form of disposition of an interest in a taxicab owner's licence including but not limited to the transfer of a partnership interest in a partnership or the controlling interest of a corporation, which holds a taxicab owner's licence, or an interest of a sole owner of a taxicab owner's licence.

(2) The licence issued to a taxicab driver or taxicab broker under this Schedule is not transferable.

(3) The licence issued to a taxicab owner under this Schedule is not transferable except as otherwise provided for in this Schedule and only upon the approval of the Issuer of Licences.

(4) The name of the holder of a taxicab owner's licence shall not be changed or transferred unless and until:

(a) the applicant for a transfer of a taxicab owner's licence or name change has filed with the Issuer of Licences:

(i) a complete application for transfer of the holder of a taxicab owner's licence or name change in a form prescribed by and available from the Issuer of Licences;

(ii) proof that the proposed new holder of the taxicab owner's licence has complied with the prerequisites of this Schedule for obtaining a taxicab owner's licence;

(iii) a duly executed copy of a written agreement between the holder of the owner licence and the proposed new holder of the taxicab owner's licence containing all details of their dealings concerning the taxicab owner's licence and, where applicable, the taxicab vehicle, equipment and taximeter, and any other thing included in the agreement pursuant to which the current holder of the taxicab owner's licence agrees to have the proposed new holder of the taxicab owner's licence replace him or her as the holder of such licence; and

(iv) two (2) sworn affidavits, one made by the current holder of the taxicab owner's licence and the other made by the proposed new holder of the taxicab owner's licence setting out the true consideration for the taxicab owner's licence and, where applicable, the taxicab vehicle, equipment and taximeter and shall also include the interest of the current holder and the interest of the proposed new holder in the licence and licence plate, goodwill, if any, and any other thing included in the agreement and any other details as requested by the Issuer of the Licences.

(b) the proposed transferor of the taxicab owner's licence or name change pays to the Issuer of Licences the required transfer fee as set out in the Fees Schedule;

(5) The Issuer of Licences shall give notice to the current holder of the taxicab owner's licence of the approval or refusal of such taxicab owner's application for change or transfer of the holder of such taxicab owner's licence.

(6) Where an application for change or transfer of the holder of a taxicab owner's licence has been approved by the Issuer of Licences, a replacement taxicab owner's licence will be issued to the proposed new holder of the taxicab owner's licence.

(7) The purchase of the controlling interest of a corporation which holds a taxicab owner's licence by any person shall be deemed a transfer of the taxicab owner's licence and shall meet all the requirements in this Schedule for the transfer of a taxicab owner's licence.

(8) Where the transfer of the taxicab owner's licence is not approved by the Issuer of Licences, the current licensed taxicab owner may sell his or her vehicle and its equipment to any person, however, upon such sale, the taxicab owner's licence issued in respect of such vehicle shall be terminated unless the owner replaces such vehicle and all required equipment within thirty (30) days from the effective date of such sale in accordance with sections 47 and 48 of this Schedule.

(9) Where an application to transfer a licence is not approved by the Issuer of Licences, any administrative fee incurred shall not be refunded, subject to the authority of Council.

(10) Where a corporation is the holder of a taxicab owner's licence or licences, the corporation shall forthwith notify the Issuer of Licences in writing of any and all transfers of existing shares and of the issue of any and all new shares of the capital stock of the corporation.

(11) Where, as a result of the transfer of existing shares or by the issue of new shares of a corporation, the Issuer of Licences has reasonable grounds to believe that the corporation may not be entitled

to the continuation of its licence in accordance with this Schedule, the Licensing Committee may determine whether the licence or licences shall be revoked or have conditions placed on it.

(12) Where, by the transfer of issued shares in, or by the issuance of new shares of, a corporation holding one or more taxicab owner's licences, the controlling interest in such corporation is sold, transferred or acquired, such licence or licences shall be deemed transferred, and the parties thereto shall comply with the requirements in this Schedule in respect to a transfer of the Issuer of Licences may issue a new licence or new licences upon payment of the prescribed fee.

(13) The Licensing Committee may, in its discretion, refuse to transfer or issue a new licence or licences to a transferee in a transaction under this section if it determines that it is not in the public interest so to do or for any other reason which it is authorized by law to consider upon such application, subject to the approval of Council.

(14) Nothing in this section shall obligate the City to approve the transfer of the licence.

35. DEATH OF LICENCE HOLDER

(1) In the event of the death of the holder of a taxicab owner's licence, the heirs, executors, administrators, successors or other legal representatives shall have a period of six (6) months within which to arrange for the change or transfer of the name of the holder of the owner licence in accordance with section 34 of this Schedule, without the licence being revoked, provided that the death of the licensee was reported to the Issuer of Licences within thirty (30) days of its happening.

(2) If the licence expires within the aforementioned period of six (6) months, the heirs, executors, administrators, successors or assigns or other legal representatives may renew the licence on the condition that it will expire on the termination of the aforementioned period of six (6) months.

(3) Nothing in this section shall relieve the transferor and transferee from compliance with the provisions of this Schedule including but not limited to those in respect to the transfer of a licence.

36. NOTIFICATION OF CHANGE OF INFORMATION

(1) When a licensee changes his or her name or address or any information relating to his or her licence, such licensee shall notify the Issuer of Licences within six (6) days of the change of information relating to the licence and shall return the licence immediately to the Issuer of Licences for amendment.

(2) When the licensee is a corporation and there is any change in the relevant information on the application or licence, including but not limited to names or addresses of Officers or directors, location of the corporate head office or change in the ownership of shares, the licensee shall report the change to the Issuer of Licences within six (6) days of the change and if necessary, the licence shall be returned immediately to the Issuer of Licences for amendment.

37. LEASING

(1) Except as provided in this section, no taxicab owner shall lease his or her taxicab and taxicab owner's plate.

(2) A taxicab owner may lease or renew a lease of his or her taxicab and taxicab owner's plate, provided that:

(a) a leasing agreement proposal has been filed with the Issuer of Licences and approval has been granted together with payment of the fee prescribed by the Issuer of Licences;

(b) the proposal contains a lease agreement which provides for lease of the licensed taxicab owner's taxicab and taxicab owner's plate;

(c) where a leasing agreement proposal is filed with the Issuer of Licences, the agreement must be in writing, signed by the parties thereto and specify the following:

(i) the date of execution of the leasing agreement and its effective date;

(ii) the name and address of the lessee and lessor;

(iii) a full description of the vehicle which is the subject of the lease, including the serial number, the make, model, serial number and year of the motor vehicle, the Provincial plate number, and the number of the taxicab owner's licence and plate issued by the Issuer of Licences in respect of such vehicle;

(iv) the motor vehicle permit number issued pursuant to the Highway Traffic Act; R.S.O. c.H. 8;

(v) the term and expiry or termination date of the leasing agreement;

(vi) the terms and conditions under which the lessee has the right to possession and control of the vehicle under specified terms and conditions;

(vii) all of the lessor's and lessee's rights to early termination of the leasing agreement;

(viii) the consideration and the signatures of the lessee, the lessor and the witnesses thereto;

(ix) a statement that the leasing agreement is considered null and void in the event that the owner or lessee either by a written or verbal agreement sub-leases the taxicab or transfers responsibility for the operation of the taxicab to a third party;

(x) the Revenue Canada G.S.T. account number of the lessee;

(xi) the taxicab owner is responsible for maintenance of and insurance on the vehicle;

(xii) under the terms of the lease the taxicab owner provides a motor vehicle equipped, inspected, approved and registered in accordance with this Schedule;

(d) the lessee is licensed by the City of Hamilton as a taxicab driver and has successfully completed the approved service and skills training program recognized and approved by the Issuer of Licences and required under this Schedule;

(e) the lease pertains to one vehicle, and expires upon the sale, replacement or other disposition of such vehicle save and except a vehicle replacement made in accordance with this Schedule; and

(f) the plate issued to such taxicab owner by the Issuer of Licences is affixed to the right side of the rear bumper of the taxicab which is the subject of the lease in a conspicuous position or at a location and in a manner as the Issuer of Licences may require, and remains affixed thereto throughout the term of the lease.

(g) In the event of a renewal of a leasing agreement, which has been approved by the Issuer of Licences, the taxicab owner shall file with the Issuer of Licences satisfactory evidence of the renewal of same in a form prescribed by the Issuer of Licences.

(3) Where a proposal for a leasing agreement is filed by a taxicab owner in accordance with the provisions of this Schedule and where the proposal meets all the requirements as provided for in this section, the Issuer of Licences may approve the proposed leasing agreement.

(4) Where the Issuer of Licences denies or refuses to approve a proposed leasing agreement, written notice, in accordance with section 24(3) of this Schedule, shall be given to the taxicab owner by the Issuer of Licences.

(5) Where the Issuer of Licences denies or refuses to approve a proposed leasing agreement, the taxicab owner may appeal the decision to the Licensing Committee for consideration within fourteen (14) days of the receipt or deemed receipt of written notice of the denial or refusal set out in subsection 37(4). The Licensing Committee shall cause an investigation to be conducted under section 7(5) of this Schedule and where an investigation reveals that the proposal should not be approved because the lessee or lessor is unlikely to or unable to comply with section 23 of this Schedule or where the proposal does not comply with subsection (2) of this section, the Licensing Committee may deny or refuse to approve the proposed leasing agreement or approve the proposal on specified terms and conditions.

(6) Where a proposal to lease is not approved by the Licensing Committee, any administrative fees incurred shall not be refunded.

(7) No lessee shall sub-lease or purport to sub-lease a taxicab vehicle to any person.

(8) No taxicab owner shall, by a term in a lease or otherwise, acquiesce in or permit any lessee or other person to sub-lease or purport sub-lease his or her taxicab vehicle.

(9) Any person licensed under this Schedule who enters into or purports to enter into any lease or purported lease of a taxicab, other than in accordance with this section, shall, in addition to any penalty to which he or she may be liable under this Schedule, be required to attend before the Issuer of Licences to show cause why his or her licence should not be suspended or revoked.

(10) Every owner shall notify the Issuer of Licences in writing of the expiration or other sooner termination of any lease to which he or she is a party or of any change in custody and control over his or her taxicab, within thirty (30) days prior thereto.

(11) Every taxicab owner and lessor shall:

(a) ensure that every driver or lessee and every other person involved in the operation of his or her vehicle complies in full with the requirements of this Schedule;

(b) maintain knowledge at all times of the identity of any person having custody of or control over his or her taxicab; and

(c) provide full information to the Issuer of Licences or his or her designates, as to any of the facts or records required to be maintained or provided by him or her pursuant to this Schedule, forthwith upon a request therefor by the Issuer of Licences or his or her designate.

(12) Every taxicab owner shall ensure that every lease filed with the Issuer of Licences sets out fully and accurately all of the facts and terms required by this Schedule and that such information is kept fully up-to-date and accurate.

(13) No taxicab owner shall enter into or be a party to more than one lease at any one time with respect to any one of his or her taxicabs.

(14) No person shall enter into or be a party to any agreement or transaction purporting to transfer, assign, lease or otherwise convey rights over a taxicab licence or plate, or give or receive any consideration or remuneration therefor, except as part of a transaction permitted by this Schedule.

(15) No lessor having an authorized lease agreement respecting a taxicab owner's licence and/or vehicle approved for use as a taxicab shall acquiesce in, allow or permit a lessee to fail to continuously operate the vehicle for which a taxicab owner's licence has been issued.

(16) A lessee shall personally operate a leased taxicab a minimum of five 8-hour shifts per calendar week.

(17) The Issuer of Licences shall have the authority to refuse to approve a lease agreement and/or rescind or withdraw approval of a lease agreement that does not meet or continue to meet the requirements of this Schedule or on such other grounds as are consistent with the grounds of refusal set out in section 23 of this Schedule.

(18) The lessee shall affix the taxicab plate on the vehicle within forty-eight (48) hours of the approval of the lease agreement.

(19) All lessees must have and maintain a current City of Hamilton taxicab driver's license.

(20) An administration fee shall be charged to a lessee of a taxicab for the late registration of a lease agreement with the Issuer of Licences in accordance with the Fees Schedule of By-Law 01-156.

(21) A taxicab owner or lessee shall not undertake more than one lease agreement per owner's plate at any time in the City of Hamilton.

(22) Effective five (5) years from the date of enactment of this Schedule, a taxicab broker shall not act as an agent or party to any lease agreement.

38. CONTRACT AGREEMENTS

(1) Subject to Section 155(3) of the Municipal Act, 2001, any owner or driver of a taxicab is exempt from the fare provisions of this Schedule while engaging in the conveyance of physically, emotionally, or mentally disabled persons, provided:

- (a) the conveyance is made pursuant to a written contract;
- (b) the written contracts contain the following information:
  - (i) specifies the date and point of commencement and the point of destination of each conveyance;
  - (ii) specifies the charge for each conveyance;
  - (iii) specifies the frequency of the conveyance; and
  - (iv) specifies the nature of the handicap of the person(s) being conveyed.
- (c) the written contracts or copies thereof are filed with the Issuer of Licences upon request;
- (d) the conveyance is made from a point in the City to a point outside the City;
- (e) the taxicab providing the conveyance is licensed by the City or the municipality where the conveyance originates and/or ends.

39. MEDICAL CERTIFICATE

The Issuer of Licences or an Officer may require a licensed driver, at any time, to provide the Issuer of Licences or such Officer with a certificate, prepared by a duly qualified medical practitioner, attesting to whether or not the licensee is physically fit and able to operate a taxicab, if the Issuer of Licences or such Officer considers it in the public interest, upon reasonable grounds.

40. RE-PHOTOGRAPHING OF DRIVERS

If at any time the driver's photograph(s) required on the application for a driver's licence issued under this Schedule does not have a reasonable likeness and/or clear image of the driver because of physical changes to the appearance of the driver, the passage of time, the poor quality of the photography or the deterioration of the photograph or photo identification card, the Issuer of Licences may require that the driver attend at the Issuer of Licences office of the City of Hamilton for another photograph of himself or herself.

41. TAXICAB METER

(1) Every owner of a taxicab shall have affixed to each taxicab, in respect of which such owner is licensed, a taxicab meter for registering distance travelled, waiting time and computing the fares to be paid, and each taxicab meter shall be:

(a) submitted by such person to the Issuer of Licences for testing, inspection and sealing in each year and at such other times as directed by the Issuer of Licences;

(b) illuminated between dusk and dawn;

(c) located in a position clearly visible to all passengers in the taxicab;

(d) adjusted in accordance with the rates prescribed by Appendix '1' (Taxicab Tariff/Fares) of this Schedule;

(e) used only when the seal thereon is intact;

(f) used for not longer than one year without re-testing and resealing; and

(g) kept in good and accurate working condition at all times.

42. TAXICAB METER ROAD TEST

Where an Officer is not available to road test and approve the taxicab meter on a weekend or statutory holiday because the Officer's services have been requested outside of the regular business hours of the Issuer of Licences, the licensed taxicab owner or the licensed taxicab driver who has had the taxicab meter repaired or replaced, may operate the taxicab for a period of up to twenty-four (24) consecutive hours from the date and time of such repair or replacement, provided that licensed taxicab driver has in his or her possession a certificate or receipt for the repair or installation of the taxicab meter, signed by the person who made the repairs or installation and the receipt sets out the date, time and nature of the repairs or installation and has notified the Issuer of Licences immediately of the repair or replacement of the taxicab meter.

43. RIGHT OF INSPECTION OF VEHICLES

(1) The Issuer of Licences or any Officer may, at any time, enter in and inspect the vehicle(s) of any licensee to insure that the provisions of this Schedule have been complied with.

(2) Upon an inspection under subsection (1), the Issuer of Licences or an Officer is entitled to request and have produced all relevant licences and permits and to have access to all invoices, vouchers, appointment books and trip sheets or like documents of the person being inspected, provided such documents are relevant for the purposes of the inspection and the person inspecting may remove any of the aforementioned documents for the purpose of examining and reproducing or photocopying, provided a receipt is given to the licensee and the documents are returned to the licensee within forty-eight (48) hours of any such removal.

44. VEHICLE INSPECTION

(1) Every taxicab owner licensed under this Schedule shall submit his or her vehicle to the Issuer of Licences for mandatory inspections for compliance with this Schedule, at the taxicab owner's expense, in accordance with sections 43, 44 and 45.

(2) Inspections shall be conducted by Officers and will include and not be limited to:

(a) taxicab meter accuracy road tests (where required);

(b) visual exterior and interior inspections of the taxicab vehicle;

(c) assessment of mechanical fitness and safety; and

(d) driver and owner record examinations of documents required to be maintained under this Schedule.

(3) In addition to the inspections referred to under subsection (1) and (2) herein, each licensed owner shall provide at the time of renewal and at such other times as directed by the Issuer of Licences, at the taxicab owner's expense, either:

(a) an Ontario Ministry of Transportation Vehicle Inspection report, showing that the vehicle has been accepted within the past thirty-six (36) days, or;

(b) a Safety Standards Certificate issued under the Highway Traffic Act R.S.O. 1990, c.H. 8 within thirty-six (36) days of the inspection date.

(4) Notwithstanding section 45, where an Officer believes that a previously approved vehicle no longer meets the inspection and vehicle requirements of this Schedule, such Officer or the Issuer of Licences may at any time direct the licensed owner to submit his or her vehicle to an Officer or the Issuer of Licences for the purpose of conducting a re-inspection of the taxicab to ensure compliance with the provisions of this Schedule, at the taxicab owner's expense.

(5) When the licensed owner meets the requirements of this section and the vehicle requirements in this Schedule, the vehicle shall be deemed to be approved for use as a taxicab.

45. TAXICAB VEHICLE STANDARDS AND INSPECTIONS

(1) All taxicab vehicles shall be three (3) model years old or newer upon first approval for use by the Issuer of Licences and shall not be in excess of ten (10) model years old at any time thereafter, subject to the following age restrictions and exemptions:

(a) a licensed taxicab vehicle previously approved by the Issuer of Licences shall meet all of the vehicle requirements contained in this Schedule;

(b) a licensed taxicab vehicle which is a historic or vintage vehicle, in the determination of the Issuer of Licences, may be over ten (10) model years of age, at the discretion of the Issuer of Licences, provided that the vehicle meets all of the vehicle requirements contained in this Schedule;

(c) taxicab vehicles, approved for use and licensed at the date of enactment of this Schedule, shall be entitled to a three (3) years period, from the date of enactment of this Schedule, within which to comply with the age restrictions of this section (the "phase-in period"). No replacement vehicle shall be entitled to the "phase-in period" in which to comply.

(2) To operate as a licensed taxicab, the vehicle shall be subject to the following mechanical fitness and safety inspections to be licensed or to have a licence renewed, as follows:

(a) taxicab vehicles with a model of three (3) years of age or less shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors one time per year or at such greater frequency as may be required by the Issuer of Licences;

(b) taxicab vehicles with a model year more than three (3) years old to a maximum of ten (10) years old shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors as follows:

(i) vehicles four (4) model years to five (5) model years old must be inspected twice per year or at such greater frequency as may be required by the Issuer of Licences; and

(ii) vehicles six (6) model years or more must be inspected three times per year or at such greater frequency as may be required by the Issuer of Licences.

46. SPARE VEHICLES

(1) The owner of one or more spare vehicles may, with approval of the Issuer of Licences, register a vehicle or vehicles with the Issuer of Licences for use as a spare vehicle.

(2) Every taxicab owner of a spare vehicle that is used to substitute for a taxicab in respect of which an owner's licence has been issued, shall comply with all of the requirements for a licensed taxicab vehicle under this Schedule.

(3) The use of a spare taxicab vehicle shall be limited to operate for no more than seven (7) consecutive days..

(4) The taxicab owner shall notify the Issuer of Licences prior to placing a spare vehicle in use and identify the licensed taxicab vehicle which the spare vehicle is replacing.

(5) The taxicab owner shall be limited to one (1) spare vehicle per five (5) licensed taxicab vehicles owned by such taxicab owner to a maximum of three (3) spare vehicles.

(6) The owner of a spare taxicab vehicle(s) must submit such spare taxicab vehicle(s) to the Issuer of Licences for inspection and determination of compliance with the vehicle requirements of this Schedule prior to the taxicab owner's licence being approved for issuance or renewal and, at any time during the term of a licence, upon the request of the Issuer of Licences.

(7) Every driver of a spare vehicle that is used to substitute for a taxicab in respect of which an owner's licence has been issued, shall comply with the provisions of this Schedule applicable to a taxicab driver.

47. REPLACEMENT VEHICLE APPROVAL

Every taxicab owner who ceases to use his or her taxicab vehicle of which an owner's licence has been issued and acquires another vehicle to be used as a replacement for the licensed taxicab vehicle shall ensure that such replacement vehicle complies with all of the requirements for a licensed taxicab vehicle under this Schedule. No replacement vehicle shall be approved until the taxicab owner first complies with the taxicab disposal requirements in section 48 for the vehicle which is being replaced.

48. DISPOSAL OF TAXICAB

(1) When the licensed owner disposes of or otherwise ceases to use as a taxicab a vehicle approved for use under section 44 of this Schedule, he or she shall immediately remove from such vehicle:

(a) the roof light,

(b) the taxicab meter,

(c) all identifying decals or markings,

(d) fender or side numbers and letters and

(e) all other items which make the vehicle appear to the public to be a taxicab.

49. TARIFFS

(1) The rates for fares to be charged by the owners or drivers of taxicabs for the conveyance of passengers wholly within the City of Hamilton or to any point not more than 5 kilometres beyond its limits, shall be exactly as shown in Appendix "1" (Taxicab Tariff/Fares) attached hereto and forming part of this Schedule, and no higher or lower amount than that contained in the said tariff shall be charged or payable, whether such rates and charges are determined by distance or by time; provided that an owner and a customer may enter into a written contract for services that extends for the period of a year or more on runs between fixed points at an agreed tariff, and that the terms of such contract shall be filed with the Issuer of Licences within ten (10) days from the effective date of the contract and be in accordance with the provisions of this Schedule with the exception of the tariffs set out in Appendix "1".

(2) Nothing contained in this Schedule shall prevent the driver of a taxicab from making a charge to be negotiated with a passenger prior to the trip, for parcel handling, and such charge shall not be required to be recorded on the trip record, and shall not apply to luggage or baggage accompanying a passenger or passengers transported between any transportation terminal and the pick-up or destination point of the passenger or passengers.

(3) At the conclusion of a trip, the driver of a taxicab shall call the passenger's attention to the amount of the fare registered on the meter and place the meter in a non-recording position.

(4) No owner or driver of a taxicab shall be entitled to recover or receive any fare or charge from any person unless the current Tariff card is on display in the holder provided therefor.

(5) Each taxicab driver shall ensure that when more than one passenger is being transported in a taxicab, and said passengers have different destinations, the taximeter is re-flagged after each destination. The individual or individuals shall then be responsible for the fee registered on the taximeter at the point of their particular destination.

(6) When a passenger first enters a taxicab, the taximeter shall be immediately placed in operation and shall remain so placed throughout the trip or until such trip extends to a point 5 kilometres beyond the limits of the City of Hamilton. The shortest and quickest possible route shall be taken to the destination if within the said limit of 5 kilometres beyond the limits of the city, unless the passenger designates another route. If a trip extends beyond such 5 kilometre limit hereinbefore referred to, the driver and the passenger may agree before the start of the trip to a flat rate, but the taximeter must remain in a recording position at all times within such limit.

50. DUTIES OF A TAXICAB DRIVER

No licensed taxicab driver shall fail to:

(1) ensure that the Tariff card, Taxicab Passenger's Bill of Rights, Taxicab Driver's Bill of Rights and taxicab driver's photo identification is in place and maintained in place in the holder required to be provided in the taxicab pursuant to this Schedule which such driver is operating;

(2) when operating a taxicab, be neat and clean in personal appearance and personal hygiene;

(3) when operating a taxicab, be civil and behave courteously;

(4) turn off any radio, tape player or any other sound producing mechanical device in his or her taxicab and turn down the volume on any two-way radio or cell phone in his or her possession or control, used for receiving or confirming calls for his or her taxicab services, upon being requested to do so by any passenger, and having done so, shall leave such devices in the off or turned down position, as the case may be, until termination of the trip with that passenger;

(5) maintain the interior and exterior of the taxicab within his or her control in a clean and tidy condition;

(6) keep in his or her taxicab a current street guide or map of the City and surrounding area;

(7) when operating a taxicab, punctually keep all his or her appointments and engagements, and no licensed taxicab driver shall make any appointment if a previous engagement would prevent such driver from fulfilling it;

(8) except when the driver has a previous order or engagement when operating a taxicab, serve the first person who may lawfully require the service of his or her taxicab at any place within the municipality and at any time during his or her work shift, whether day or night, except when the person:
    (a) is unruly or disorderly; or
    (b) refuses to give his or her destination; or
    (c) is in possession of an animal other than a seeing-eye dog; or
    (d) is eating or drinking any food or beverage and refuses to dispose of same prior to entry into the taxicab vehicle; or
    (e) has not paid a previous fare or cancellation fee; or
    (f) is, in the reasonable belief of the driver, unable or unwilling to pay the fare and has been unable or unwilling to satisfy the driver that he or she has the funds to pay the fare; or
    (g) is a grossly unclean person; or
    (h) in the reasonable belief of the taxicab driver, poses a threat to his or her personal safety; or
    (i) is smoking and refuses to extinguish the cigarette, cigar or pipe or other smoking product and/or instrument prior to entry into the taxicab vehicle

(9) when operating a taxicab, upon the request of any passenger or whenever there is a dispute over the fare, provide a complete receipt for the fare or charge made and paid, indicating thereon:
    (a) the place of pick up and discharge of such passenger;
    (b) the taxicab driver's name;
    (c) the number of his or her taxicab driver licence;
    (d) the identifying number on the taxicab vehicle;
    (e) the number of the taxicab owner's licence for the vehicle;
    (f) the Provincial Motor Vehicle Permit Number for the taxicab; and
    (g) that it is a "Taxicab" receipt;

(10) when operating a taxicab, take due care of all property delivered or entrusted to him or her and accepted by him or her for conveyance or safekeeping, and immediately upon termination of any hiring or engagement, search the interior of his or her vehicle for any property lost or left therein and forthwith deliver to the person owning the same all money or property left in his or her taxicab; or if the owner of the money or property cannot be at once found, deliver all of the said money and property to the nearest City of Hamilton Police and report all information pertaining thereto in his or her knowledge, possession and belief;

(11) at the conclusion of a trip, call the passenger's attention to the amount of the fare registered on the meter and place the meter in a non-recording position;

(12) ensure that when more than one passenger is being transported in a taxicab, and said passengers have different destinations, the taximeter is re-flagged after each destination. The individual or individuals shall then be responsible for the fee registered on the taximeter at the point of their particular destination.

(13) take the shortest in distance and most practical route to the destination provided by the passenger, unless the passenger directs the taxicab driver to take another route;

(14) while operating a taxicab, keep and maintain at all times in such taxicab sufficient bills and coins such that change may be provided to passengers of such taxicab;

(15) be permitted to engage the taxicab meter before the passenger enters the vehicle, only after the taxicab driver has notified the passenger of his or her arrival and has waited at least five (5) minutes after the taxicab driver has notified the passenger of his or her arrival;

(16) engage the taxicab meter at the commencement of the trip and keep it engaged throughout the trip, unless otherwise exempted under this Schedule;

(17) when operating a taxicab, keep a daily trip sheet, in the form attached to Appendix "2", containing the following information:
    (a) the name, address and taxicab driver's licence number of the driver;
    (b) the date;
    (c) the number and date of issue of the taxicab owner's licence issued pursuant to the provisions of this Schedule;
    (d) the location, date and time of the beginning and end of every trip made trip and the number of passengers carried;
    (e) the amount of the fare collected for each trip;
    (f) the meter readings at the start and finish of each working period;

(18) provide the owner of the vehicle with a copy of the trip sheets daily;

(19) retain a copy of the daily trip sheet for a least twelve (12) months and make them available for inspection at the request of the Issuer of Licences.

(20) make his or her trip record and all information as to passengers carried available to any Officer and to the Issuer of Licences when requested to do so;

(21) notify the Issuer of Licences in writing within six (6) days of a change of address and produce his or her licence for that change of address to be entered; and

(22) each day, before commencing the operation of a taxicab, examine the vehicle for mechanical defects, interior or exterior damage, and a jack and usable spare tire and wheel and shall report forthwith any defects found to the owner of the vehicle.

(23) each day, upon completion of the operation of a taxicab, return the vehicle to his or her employer and report all defects and all accidents to the owner.

(24) report forthwith to his or her employer and the Issuer of Licences any accident in which he or she was involved while operating his or her employer's cab;

(25) at the expiration of his or her work period return the cab to his or her employer and shall not at any time abandon the cab or permit any other person to drive same.

(26) when operating a taxicab, carry at all times and produce on request of an Officer, the driver's licence issued under this Schedule and his or her Ontario driver's licence;

(27) when operating a taxicab, carry and display a current Tariff card at all times and produce same on request of an Officer or a passenger;

(28) when a dispute arises with a passenger about the fare, refer the dispute to Issuer of Licences;

(29) when operating a taxicab:

- (a) only enter a taxicab stand by taking his or her position at the end of any line formed by the taxicabs already at the stand;
- (b) while waiting at a taxicab stand or at any other public place:
    - (i) not obstruct or interfere in any way with the normal use of the taxicab or public place, or interfere with the surrounding traffic patterns;
    - (ii) be sufficiently close to his or her taxicab to have it under observation at all times;
    - (iii) not wash the taxicab; and
    - (iv) not make repairs to his or her taxicab, unless the repairs are immediately necessary.
- (c) subject to the Taxicab Passengers' Bill of Rights, not pick up any passenger within sixty (60) meters of a taxicab stand when there is one or more taxicabs at the stand:
    - (i) unless an arrangement has been previously made with the passenger to pick him or her up at that location; or,
    - (ii) unless the passenger exhibits a preference for that taxicab, and the chosen taxicab driver notifies the driver of the first taxicab on the taxicab stand;

(30) provide the medical certificate, as required by the Issuer of Licences, pursuant to section 390 of this Schedule;

(31) In addition to complying with all other requirements of this Schedule with respect to taxicab drivers, every licensed accessible taxicab driver shall:

(a) ensure that all wheelchairs being transported within the taxicab are securely fastened so as to prevent them from moving when the taxicab is in motion;

(b) ensure that the accessible taxicab he or she is operating:

(i) is equipped with an extra tire, wheel and jack ready for use for that vehicle;

(ii) is in compliance with Ontario Regulation 629/02, as amended and Canadian Standards Association's Standard D409-M84; and

(iii) has wheelchair tie down that comply with the regulations set out in sub-section (ii) above;

(c) ensure that only a person licensed under the provisions of this Schedule as an accessible taxicab driver, and whose licence is endorsed by the Issuer of Licences, is permitted to drive an accessible taxicab under his or her control;

(d) keep accurate, daily, records of the number of trips made for disabled passengers and for non-disabled passengers; and

(e) give priority to the use of the accessible taxicab by disabled passengers, and then permit its use for non-disabled passengers.

51. DRIVER PROHIBITIONS

No licensed driver shall;

(1) operate a taxicab where the number of passengers carried exceeds the manufacturer's seating capacity rating and no more than the maximum insured capacity for the vehicle.

(2) operate a taxicab where seat belts are not available for use by each passenger carried;

(3) operate a taxicab with luggage or any object placed in, hung on or attached to the vehicle in such a manner as will obstruct the drivers view;

(4) be under the influence of any intoxicant or take, consume or have in his or her possession any alcohol, drugs or intoxicants while in charge of or operating a taxicab nor shall the use thereof by him or her be apparent while he or she is operating or is in charge of such vehicle;

(5) operate a taxicab for more than 12 consecutive hours during any period of 24 consecutive hours;

(6) operate a taxicab other than as a taxicab;

(7) use any fare or Tariff card while operating a taxicab other than the Tariff card issued by the City;

(8) remove, exchange, lend or otherwise dispose of a Tariff card issued by the City;

(9) while operating a taxicab take on any additional passengers after the vehicle has departed from any one starting point, except under the following circumstances:
(a) when done at the request of a passenger already in the taxicab; or
(b) in an emergency situation; or
(c) an accessible taxicab, when engaged in the conveyance of disabled persons.

(10) operate a taxicab which does not have an owner's plate affixed thereto;

(11) operate a taxicab where the owner of the taxicab is not licensed as an owner under this Schedule;

(12) when operating a taxicab permit a passenger to stand while the vehicle is in motion;

(13) when operating a taxicab recommend hotels, restaurants or other like facilities unless requested to do so by the passengers;

(14) operate a taxicab when the taxicab meter is not in accordance with the then existing current tariff/fare rates set out in this Schedule;

(15) operate a taxicab when the taxicab meter does not operate properly;

(16) operate a taxicab when the taxicab meter seal has been broken, altered or removed unless authorized under section 42;

(17) operate a taxicab without door side numbers and letters and a roof light as required by this Schedule;

(18) operate a vehicle which is not approved for use as a taxicab by the Issuer of Licences;

(19) operate a taxicab unless such vehicle:
  (a) is equipped with a spare tire and jack, ready for use for that vehicle;
  (b) meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation Vehicle Inspection report, or meets the standards for the issue of a Safety Standards Certificate of mechanical fitness;
  (c) is clean, dry and in good repair as to its interior; and
  (d) is clean and in good repair as to its exterior, free from exterior body damage and with a well maintained exterior paint finish.

(20) recover or receive any fare or charge from any passengers or persons who had demanded his or her services which is greater or less than the fare, tariff or charge authorized by this Schedule save and except for a tip or gratuity, or otherwise as authorized under this Schedule;

(21) when operating a taxicab recover or receive any fare or charge from any person to whom he or she has refused to show the Tariff card;

(22) when operating a taxicab, make any charge for time lost through defects or inefficiency of the taxicab or the incompetence of the driver;

(23) when operating a taxicab, make any charge for the time elapsed due to early arrival of the taxicab in response to a call for the taxicab to arrive at a fixed time;

(24) when operating a taxicab, induce any person to engage his or her taxicab by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by that person;

(25) knowingly drive about the streets in his or her cab any person for the purpose of soliciting from the cab for acts of prostitution or for the purpose of any illegal act ;

(26) solicit any person to take or use his or her taxicab by calling out or shouting. The person wishing to use or engage a taxicab shall be left to choose without interruption or solicitation;

(27) employ or allow any runner or other person to assist or act in concert with such driver in obtaining any passenger or baggage at any of the public taxicab stands, railway stations or elsewhere in the said City;

(28) be actively affiliated with more than one licensed taxicab broker at any one time;

(29) carry any passenger who is under the influence of any intoxicant while his or her taxicab is occupied by a person who is not accompanying the person so under the influence;

(30) carry any person while on duty or subject to call, other than the person or persons employing his or her services, unless first approved by that person;

(31) smoke in a taxicab;

(32) transport liquor, spirits, beer or any other alcoholic beverage except in strict compliance with the Liquor Licence Act, R.S.O. 1990, as amended, and the Alcohol and Gaming Regulation and Public Protection Act;

(33) when requested by the Issuer of Licences, fail to return or surrender any licence issued under this Schedule;

(34) overcrowd a public taxicab stand, nor back onto the same nor push or displace any taxicab already in the stand. (A driver who wishes to enter a public taxicab stand with his or her taxicab shall do so by taking his or her position at the end of any line formed by other taxicabs already in the stand and when a driver is either first or second in line in such stand, he or she shall remain in the driver's seat of his or her taxicab ready to be hired);

(35) while carrying on or engaged in the conveyance of passenger(s) stop, stand or park a taxicab on any highway except as authorized by law;

(36) take on any additional passenger after the cab has departed with one or more passengers from any starting point except at the request of a passenger already in the cab or with the approval of the Issuer of Licences due to special emergency conditions;

52. OWNER'S DUTIES

No licensed owner shall fail to:

(1) hold a separate taxicab owner licence for each vehicle used or kept for hire as a taxicab;

(2) obtain and maintain in good standing a taxicab driver's licence issued in accordance with this Schedule;

(3) keep at all times in the taxicab of which he or she is the owner, the original, or a photostat copy of the original, of each of the following documents:

   (a) the motor vehicle registration issued under the Highway Traffic Act and current Ontario Ministry of Transportation passenger Motor Vehicle Permit issued for that licensed vehicle;

   (b) the current taxicab owner's licence issued in accordance with this Schedule;

   (c) when operating the taxicab, the current taxicab driver's licence issued under this Schedule; and

   (d) the certificate of liability insurance for the vehicle, in accordance with this Schedule;

(4) for each taxicab for which the owner holds a licence, and before use of the taxicab,

  (a) obtain and maintain a policy of insurance in respect of the taxicab in full force and effect during the entire period of time for which the licence is issued and in full force and effect in an amount not less than $5,000,000.00, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;

  (b) provide a special endorsement to the policy of insurance referred to in clause (b), for passenger hazard in an amount not less than $5,000,000.00, exclusive of interest and costs;

  (c) cause to be endorsed on the policy of insurance referred to in clause (b), that the City shall be given at least thirty (30) days prior notice of any cancellation, expiration or change in the amount of the insurance or in terms of the policy; and

  (d) deposit a certified true copy of the policy of insurance and all endorsements with the City;

(5) obtain, place and maintain therein or thereon, for each vehicle licensed pursuant to this Schedule, the following:

  (a) a current Tariff card, Taxicab Passengers' Bill of Rights card, Taxicab Driver's Bill of Rights card and driver's photo identification in a holder securely affixed on the upper portion of the rear of the driver's seat of the vehicle in a location clearly visible to the passenger(s) or in a manner approved by the Issuer of Licences;

  (b) the taxicab owner's plate securely affixed to the left rear trunk, or at a location and in a manner approved by the Issuer of Licences; and

  (c) the owner's plate number for that taxicab displayed in contrasting colours in letters of at least 15cm affixed on both side doors or at a location and in a manner approved by the Issuer of Licences;

(6) inform the Issuer of Licences forthwith of any changes in the motor vehicle registration of the licensed vehicle;

(7) have in his or her vehicle a taxi meter of the type approved and road tested by the Issuer of Licences or Officer and mounted in a position approved by the Issuer of Licences or Officer so that it is clearly visible to the passengers in the front and rear seats of the taxicab;

(8) have on his or her vehicle an electrically illuminated roof sign which is securely attached to the top of the taxicab in a manner approved by the Issuer of Licences or Officer and wired to the taxicab meter and working in conjunction with the taxicab meter so that it is not illuminated when the meter is engaged and is illuminated when the headlights are on and the meter is in the vacant status;

(9) ensure that each vehicle for which he or she is licensed is, in its interior, neat, clean, dry and in good repair; and, on its exterior; clean and in good repair, free from exterior body damage and has a well-maintained paint finish;

(10) repair any mechanical defect in the taxicab, reported to such owner by a licensed driver or directed by the Issuer of Licences or an Officer to be repaired;

(11) report forthwith to the Issuer of Licences any accident in which his or her taxicab was involved;

(12) submit each licensed taxicab for mechanical fitness and safety inspection by a qualified and licensed automobile mechanic, approved by the Issuer of Licences, annually, at such other time or times prescribed by this Schedule and as requested to do so by an Officer or the Issuer of Licences, and

submit to the Issuer of Licences a valid Safety Standards Certificate issued in accordance with the Highway Traffic Act of Ontario at the time of the taxicab licence renewal or transfer;

(13) submit each licensed taxicab for general inspection and approval by the Issuer of Licences or an Officer annually, and at such other time or times when requested to do so by either of them;

(14) equip each licensed taxicab with an exterior emergency lighting warning system to provide safety for the taxicab driver;

(15) within the five years of the date of enactment of this Schedule, equip each licensed taxicab with a Global Positioning System, on-board cameras and such other safety alternatives as may be prescribed from time to time by the Issuer of Licences;

(16) ensure that taxicab drivers in his or her employ retain the daily trip records referred to in this Schedule for a period of time not less than twelve (12) months, that such records shall be open to inspection by any person authorized by the Issuer of Licences and that such records may be removed and retained by the Issuer of Licences for a reasonable time and copied by the Issuer of Licences or any person authorized by the Issuer of Licences;

(17) retain copies of the daily trip sheet submitted by the licensed driver of the taxicab to the owner for at least twelve (12) months and make them available for inspection, copying and retention at the request of and by the Issuer of Licences or any person authorized by the Issuer of Licences;

(18) employ or use only the services of taxicab drivers licensed under this Schedule;

(19) carry on or engage in or otherwise continuously operate or make his or her taxicab available for service within the City during the term of his or her licence;

(20) notify the Issuer of Licences in writing within six days of a change of address;

(21) in the case of a corporation or partnership, notify the Issuer of Licences immediately upon a change in ownership of the individual holding shares of the company;

(22) make application to the Issuer of Licences for requalification under the provisions of this Schedule for a taxicab owner licence should a threshold percentage of twenty percent of the company shares change ownership;

(23) before acting as a taxicab driver, comply with all the requirements for the issuance of a taxicab driver's licence under this Schedule, except that payment of the fee for issuance of a driver's licence shall not be required;

(24) require all drivers using or operating the owner's licensed taxicab to comply with the requirements of this Schedule applicable to taxicab drivers;

(25) in addition to complying with all other requirements of this Schedule with respect to taxicab owners, every licensed accessible taxicab owner shall:

(a) keep accurate records of the number of trips made monthly for disabled passengers and for non-disabled passengers;

(b) ensure that the accessible taxicab he or she is operating:

(i) is equipped with an extra tire, wheel and jack ready for use for that vehicle;

(ii) has approved wheelchair tie down;

(c) in addition to all of the other general taxicab owner responsibilities prescribed by this Schedule, ensure that only a person licensed under the provisions of this Schedule as an accessible taxicab driver, whose licence has been endorsed by the Issuer of Licences, is permitted to drive an accessible taxicab under his or her control;

(d) ensure that before using, or permitting to be used, any vehicle that is licensed under the provisions of this Schedule as an accessible taxicab, that the said vehicle complies with Ontario Regulation 629/02 of the Highway Traffic Act, as amended, and Canadian Standards Association's Standard D409-M84, and all other pertinent federal and provincial regulations as established from time to time; and

(e) ensure that priority is given to the use of the accessible taxicab by disabled passengers, and thereafter permit the taxicab to be used for non-disabled passengers.

53. OWNER PROHIBITIONS

No licensed owner shall:

(1) operate or permit the operation of a vehicle not owned by him or her under the authority of his or her owner's plate and licence;

(2) employ any person to operate his or her taxicab who does not hold a valid taxicab driver licence issued pursuant to this Schedule;

(3) fail to continuously operate the vehicle for which a taxicab owner's plate has been issued;

(4) operate or permit the operation of a vehicle of which he or she is the owner where the vehicle is not approved for use as a taxicab under the provisions of this Schedule.

(5) operate or permit the operation of a taxicab of which he or she is the owner, without attaching the current taxicab owner's plate for that taxicab in the manner prescribed under the provisions of this Schedule;

(6) fail to have a vehicle which has been approved by the Issuer of Licences for the owner's plate issued pursuant to this Schedule unless otherwise exempted in this due to repair or replacement of such vehicle;

(7) fail to affix the taxicab owner's plate to the vehicle approved for use as a taxicab by the Issuer of Licences;

(8) operate or permit the operation of a taxicab of which he or she is the owner while displaying any owner's plate issued by the licensing authority of any other municipality;

(9) fail to submit the vehicle for inspection when required to do so by the Issuer of Licences or an Officer under section 43 and 44 of this Schedule;

(10) permit any driver to operate such owner's taxicab for any period in excess of 12 hours during any period of 24 consecutive hours;

(11) operate or permit the operation of a taxicab where such vehicle has mechanical defects;

(12) operate or permit the operation of a taxicab where such vehicle has substantial exterior body damage or rust;

(13) operate or permit the operation of a taxicab of which the owner is in affiliation with a taxicab broker who is not licensed under this Schedule;

(14) operate or permit the operation of a taxicab of which he or she is the owner while displaying or bearing any sign, emblem, decal, ornament or advertisement, on or in his or her vehicle except in a form approved by the Issuer of Licences;

(15) operate or permit the operation of a taxicab, of which he or she is the owner, which displays or bears advertising, unless in accordance with the Advertising Prerequisites contained in subsection 54(15)(a) and such other advertising prerequisites and guidelines as may be established by the Issuer of Licences from time to time;

(a) An owner may operate or permit the operation of a taxicab which displays or bears advertising provided that;
  - (i) the content of the advertising shall not be of an obscene, racist, sexist or discriminatory nature;
  - (ii) all advertising, advertising signs and sign holders shall be securely mounted to the taxicab in such a manner as to prevent the sign, holder and any advertising materials exhibited thereon from loosening, separating or coming free during the operation of the taxicab;
  - (iii) no advertising, advertising sign or sign holder on the rooftop or exterior of a taxicab shall, in any way, block, hamper, obstruct or obscure the view of any person of the taxicab licence number, taxicab licence plate, name of the owner of the taxicab and, where applicable, its broker;
  - (iv) no advertising, advertising sign or sign holder shall be placed or located on any window of the taxicab;
  - (v) the number of interior advertisements or advertising signs shall not exceed five (5);
  - (vi) no interior advertisement or advertising sign shall exceed twenty-six centimetres by thirty-one centimetres (26cm x 31cm) in size;
  - (vii) no interior advertising, advertising sign or sign holder shall be placed or located in such a way as to obstruct or obscure the vision of the driver or obstruct or hamper the driver's operation of the taxicab, in any way, or obstruct or obscure the view, from all passenger seats, of the driver's photo identity card, the taxicab meter, the driver's taxicab licence, the tariff/fare card, the Passengers' Bill of Rights card and the Driver's Bill of Rights card;
  - (viii) the number of exterior advertisements or advertising signs shall not exceed one (1);
  - (ix) exterior advertisements or advertising signs shall only be placed or located on the rear end of the taxicab;
  - (x) exterior advertisements or advertising signs shall not exceed sixteen centimetres by ninety-two centimetres (16cm x 92cm) in size;
  - (xi) the number of rooftop mounted signs shall not exceed one (1);
  - (xii) a rooftop mounted sign shall be illuminated;
  - (xiii) a rooftop mounted sign not exceed one hundred and twenty-two centimetres in length, seventy-nine centimetres in width, and forty-six centimetres in height (122cm L x 79cm W x 46cm H); and

(b) any exterior advertisement painted on a vehicle or secured on a rooftop advertising sign, not in accordance with the advertising prerequisites contained in subsection 54(15) but previously approved by the Issuer of Licences at the time of the enactment of this Schedule, shall be removed from the taxicab at the earlier of the date upon which the taxicab is repainted, replaced, or the second anniversary of the date of enactment of this Schedule;

(16) operate or permit the operation of a taxicab of which he or she is the owner unless equipped with a taxicab meter which has been tested, sealed and approved by the Issuer of Licences or Officer unless authorized under section 42;

(17) operate or permit to operate a taxicab when the taximeter is out of order or defective in any way or the taximeter seal is broken, altered or not intact unless authorized under section 42;

(18) use or permit to be used any taxicab licence issued to such owner pursuant to this Schedule for any vehicle other than the vehicle for which the licence was issued;

(19) knowingly drive or permit to be driven about the streets in his or her cab any person for the purpose of soliciting from the cab for acts of prostitution or conducting or soliciting any illegal acts;

(20) operate, or permit to be operated, a taxicab which was constructed or subsequently modified to permit the loading, transportation and off-loading of those individuals confined to a wheelchair, or similar device used to assist the physically disabled, without transfer, which does not comply with Ontario Regulation 629/02, as amended, and Canadian Standards Association's Standard D409-M84;

(21) when requested by the Issuer of Licences, fail to return or surrender any licence, owner's plate, or other documentation or identification, issued by the Issuer of Licences pursuant to this Schedule, to the Issuer of Licences;

(22) when requested by the Issuer of Licences, fail to surrender to the Issuer of Licences any daily trip sheets prescribed and required by this Schedule;

(23) lease or otherwise lend an owner's licence issued under this Schedule or a vehicle approved for use as a taxicab unless approval by the City has been granted;

(24) by a written or verbal agreement sub-lease the taxicab or transfer the responsibility for the operation thereof to a third party; and

(25) enter into any written or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the taxicab for which the licence was issued, by any other person who is not a licensed taxicab driver.

54. TAXICAB BROKER DUTIES

Every licensed taxicab broker shall:

(1) maintain an office, from which the taxicab brokerage is operated;

(2) require all taxicab owners who have entered into arrangements with such broker for the provision of taxicab brokerage services to affix to the side doors of the vehicle identification numbers and letters in a form approved by the Issuer of Licences;

(3) provide to the Issuer of Licences the name of every owner and driver required to be licensed under this Schedule with which he or she has entered into any arrangement for the provision of taxicab brokerage services;

(4) keep a record of all owners operating taxicabs in association with him or her such record to show the number of taxicabs operated by each owner, including his or her name and address and the number of the licence issued under this Schedule in respect of each;

(5) notify the Issuer of Licences, in writing, within ten (10) days of any additions or deletions from the list provided under subsection (3) of this section;

(6) carry on or engage in or otherwise continuously operate the taxicab brokerage business within the City;

(7) require all owners and drivers of taxicabs operating within the broker's taxi fleet to comply with the requirements of this Schedule;

(8) maintain an accurate record of all requests for the hire of a taxicab along with the following information for each taxicab dispatched:

(i) the number of the taxicab owner licence issued under the provisions of this Schedule;

(ii) the date and time of receipt of the order and of the dispatching;

(iii) the name and taxicab driver licence number of the driver; and

(iv) the address to which such taxicab is dispatched,

and retain these records for a twelve (12) month period;

(9) dispatch a taxicab to any person requesting service within the municipality, unless the person requesting service has not paid for a previous trip and these facts are verified by the broker;

(10) post in a conspicuous location in the business office, viewable by the public, the licence issued under this Schedule;

(11) at the direction of the Issuer of Licences not dispatch calls to any taxicab, if the licensed owner or licensed driver, in the opinion of the Issuer of Licences, has contravened any section of this Schedule;

(12) at the request of the Issuer of Licences, provide a list showing the number of taxicabs available for service to the public on any particular day, including the times when it was last available for service on that day and also including the number of dispatched calls serviced by each such taxicab;

(13) employ or use only the services of an owner or driver licensed under this Schedule; and

(14) Post and maintain a copy of the Ontario Human Rights Commission's publication entitled "Declaration of Management Policy", on bulletin boards and on other similar locations provided for the regular posting of written notices to drivers or owners of taxicabs operating from the brokerage.

55. TAXICAB BROKER PROHIBITIONS

No licensed taxicab broker shall:

(1) dispatch a taxicab for the purpose of carrying on or engaging in the conveyance of passengers within the City where the owner or driver of the taxicab does not hold a licence for their respective calling issued under this Schedule;

(2) accept orders for, or in any way dispatch or direct orders to a taxicab, licensed under this Schedule:

(a) when the activity would be illegal under a provincial or federal statute; or

(b) where the fare is less than that permitted under this Schedule.

(3) accept orders for, or in any way dispatch or direct orders to a taxicab where the owner of which is not licensed under this Schedule, for a pick-up location within the boundaries of the City of Hamilton;

(4) be permitted to have exclusive rights to any taxicab stand in the municipality;

(5) enter into an agreement for the provision of brokerage services with a taxicab driver or a taxicab owner who is already affiliated with another taxicab broker;

(6) charge a fare or enter into an agreement to charge a fare which is not in accordance with the approved tariff/fare set out in Appendix "1" to this Schedule;

(11) when requested by the Issuer of Licences, fail to return or surrender any licence issued under this Schedule; or

(12) fail to carry on or engage in the taxicab brokerage business for which the taxicab brokerage licence has been issued.

56. PROMOTIONAL SCHEMES

(1) No taxicab broker, taxicab owner, taxicab lessee or taxicab driver shall participate or acquiesce in any promotional scheme or practice of which the purpose, result or effect is to directly or indirectly subsidize the rates, tariffs or fares prescribed in this Schedule, unless in accordance with this section or with the written consent of the Licensing Committee.

(2) A taxicab broker may undertake, participate or acquiesce in a promotional scheme provided that all of the following conditions are met:
   (a) a detailed description including a sample of any voucher or coupon to be used together with a copy of all proposed advertising or promotional material related to the scheme or practice is filed, in advance, with the Issuer of Licenses for approval;
   (b) the Issuer of Licenses has approved the promotional scheme or practice and any voucher or coupon and advertising or promotional material to be used;
   (c) no more than one (1) promotional scheme or practice has been participated, acquiesced in or permitted, in the current calendar year, by the taxicab broker or any taxicab owner, lessee or driver in such broker's service, in association with such broker, or in any arrangement to provide taxicab vehicle use or taxicab driving services for or to such broker;
   (d) all vouchers or coupons and all advertising or promotional material related to the scheme or practice clearly indicate the start date and expiry date for each promotional scheme or practice;
   (e) no promotional scheme or practice undertaken shall be in effect for a period of more than thirty (30) days or have an expiry date later than thirty (30) days from its effective start date;
   (f) the taxicab broker does not accept or permit any taxicab owner, taxicab lessee or taxicab driver to accept a voucher or coupon or like instrument related to the promotional scheme or practice beyond its expiry date;
   (g) the taxicab broker does not accept or permit more than one (1) voucher or coupon or like instrument to be used or credited against a tariff, fee or rate prescribed in this Schedule per trip per vehicle regardless of the number of passengers in a taxicab vehicle;
   (h) the taxicab broker does not issue or make available a voucher or coupon or like instrument with a value more than One ($1.00) Dollar in Canadian funds;
   (i) the promotional scheme or practice is only at the cost of the taxicab broker not directly or indirectly at the cost or expense of a taxicab owner, taxicab lessee or taxicab driver; and
   (j) the taxicab broker has not violated or contravened any of the Promotional Scheme terms and conditions set out in this section, in the past five (5) years.

(3) An owner, lessee or driver of a taxicab may participate or acquiesce in a promotional scheme or practice of a taxicab broker that is authorized under this section.

(4) A broker of a taxicab may only undertake, participate or acquiesce in a promotional scheme or practice in accordance with subsection 56(2) unless the broker obtains the written consent and approval of the Licensing Committee.

(5) With the exception of subsection 56(3), an owner, lessee, or driver of a taxicab may only undertake, participate or acquiesce in a promotional scheme or practice with the written consent and approval of the Licensing Committee.

57. CUSTOMER SERVICE

(1) A taxicab driver, owner and broker shall ensure that:

(a) A Taxicab Passengers' Bill of Rights in the prescribed form, as set out in Appendix "5", for all taxicabs, is displayed on the upper portion of the rear of the driver's seat in a position clearly visible to the passenger(s) to inform Taxicab passengers of their rights;

(b) A Taxicab Driver's Bill of Rights in the prescribed form, as set out in Appendix "6", for all taxicabs, is displayed on the upper portion of the rear of the driver's seat in a position clearly visible to the passenger(s) to inform Taxicab passengers of the rights of the Taxicab Driver; and

(c) A taxicab Tariff card and Taxicab Driver photo identification card is displayed as prescribed in this Schedule.

(3) Every broker shall post in a conspicuous place in their place of business, clearly visible to the public, the City customer complaints/compliments hotline telephone number and follow-up and resolution process prescribed by the Issuer of Licences.

58. ADMINISTRATION AND ENFORCEMENT

(1) This Schedule shall be administered and enforced by the Director of Building & Licensing, Planning & Development with delegation of the enforcement to any Officer.

(2) A Municipal Enforcement Officer has the authority, if the Officer is in the opinion that the vehicle contravenes the Schedule or public safety is at risk, to:

(i) remove a taxicab from service;

(ii) remove the City of Hamilton taxi plate from the taxicab;

(iii) remove the roof sign; and

(iv) remove the taxicab meter.

59. PENALTIES

(1) Fine - for contravention

Every person who contravenes any provision of this Schedule, and every director or officer of a corporation who concurs in such contravention by the corporation, is pursuant to section 161 (2) of the Municipal Act, 2001 guilty of an offence and on conviction is liable to a fine not exceeding $25,000.

(2) Fine - for contravention – corporation

Despite subsection (1) where a corporation is convicted of an offence under the provisions of this Schedule pursuant to section 161 (3) of the Municipal Act S.O. 1994, c.37, s.3(1) is liable to a fine not exceeding $50,000.00.

60. OBSTRUCT OFFICER

No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer, the Issuer of Licences and/or the Licensing Committee exercising a power or performing a duty under this Schedule or By-Law 01-156 pursuant to section 426 of the Municipal Act, 2001.

61. PROHIBITION ORDER

Pursuant to the provisions of section 442 of the Municipal Act, 2001, when a person has been convicted of an offence under this Schedule, the Ontario Court of Justice (Provincial Division) of the City of Hamilton, or any court of competent jurisdiction thereafter may, in addition to any other penalty or order imposed, make an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation of repetition of the offence.

62. RESTRAINING ORDER

Pursuant to the provisions of section 443 of the Municipal Act, 2001 in addition to any other remedy and to any penalty imposed by the Schedule, any such further contraventions may be restrained by action by the City.

63. STATEMENT OF THE CLERK

For the purposes of prosecution, under this Schedule and pursuant to section 436(4) of the Municipal Act, 2001, a statement as to the licensing or non-licensing of any premise or person signed by the Clerk is, without proof of the office or signature, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein.

64. COURT ORDERS/BARRING OF ENTRY/CLOSING OF PREMISES

The provisions of section 432 of the Municipal Act, 2001 respecting the issuance of court orders, the banning of entry, and the closing of premises shall apply to this Schedule where required.

65. COLLECTION OF FINES

Where any part of a fine for a contravention of this Schedule remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, R.S.O. 1990, c. P 33, including any extension of time for payment ordered under that section the Issuer of Licences is hereby authorized, pursuant to section 440(1) of the Municipal Act, 2001, to give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty-one (21) days after the date of the notice, by delivering the notice or causing it to be delivered to that person at the person's residence or place of business.

66. DISTRESS FOR UNPAID FINES

Pursuant to subsection 440(3) of the Municipal Act, 2001, where a fine remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to be unpaid taxes and, pursuant to subsection 351(1) of the Municipal Act, 2001, the Issuer of Licences or the treasurer of the City may seize the following to recover the taxes and costs of seizure, subject to the exemptions provided for in subsection 351(3) and (4) of the Municipal Act, 2001:

(1) The personal property belonging to or in the possession of the person fined.

(2) The interest of the person fined in any personal property including such person's right to the possession of any personal property under a contract for purchase or a contract b which the person fined becomes the owner of the property upon performance of any condition.

(3) The personal property on the land and any interest therein as described in subsection 67(2) of this Schedule of the owner of the land, even if the owner's name does not appear on the tax roll.

(4) Any personal property on the land, title to which is claimed under any assignment or transfer made for the purpose of defeating the seizure.

(5) Subsections 351(5), (7), (8), (9), (10), (13) and (14) of the Municipal Act, 2001 apply with necessary modifications to a seizure for an unpaid licensing fine under this Schedule.

67. LEVY OF FINES UNDER WARRANT

(1) Despite section 66 of this Schedule, the treasurer or an Officer of the City may seize personal property, pursuant to section 351(2) of the Municipal Act, 2001, after a tax bill has been sent but before the due date if,
    (a) the treasurer or an Officer has good reason to believe that personal property subject to seizure is about to be removed from the City before its due date;
    (b) the treasurer or an Officer makes an affidavit to that effect before a Justice of the Peace or the head of Council of the City; and
    (c) the Justice of the Peace or head of Council of the City issues a warrant authorizing the treasurer or an Officer to levy for the fines and costs in the manner provided by this section.

(2) Subsections 351(5), (7), (8), (9), (10), (13) and (14) of the Municipal Act, 2001 apply with necessary modifications to a seizure for an unpaid licensing fine under this Schedule.

(3) No defect, error or omission in the form or substance of the notice required by this Schedule invalidates any subsequent proceedings for the recovery of a fine.

68. PROCEEDS OF FINES

Pursuant to the provisions of section 437 of the Municipal Act, 2001, where a person has been convicted of any offense under this Schedule, every fine imposed for contravention of this Schedule belongs to the City of Hamilton.

69. SEVERABILITY

Notwithstanding that any section or sections of this Schedule, or any part or parts thereof, may be found by any court of law to be invalid or illegal or beyond the power of the Council to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this Schedule, or parts thereof, are separate and independent therefrom and enacted as such.

70. APPENDICES

Appendices "1", "2", "3", "4", and "5" attached hereto form part of this Schedule.

71. REPEAL and AMENDMENTS

(1) The following By-Laws:

former Town of Flamborough By-Law #90-24-L - taxi and limousine schedule;
former Township of Glanbrook By-Law #476-92;
former Town of Ancaster By-Law #79-66, amended by By-Law #91-02;
former Town of Dundas By-Law #4200-95;
former City of Stoney Creek By-Law #4413-96, amended by By-Laws #4519-97, 5041-99, 5074-00; and
former City of Hamilton By-Law #98-203, Schedule 2

shall be and the same are hereby repealed.

(2) Schedule 25 of City of Hamilton By-Law No. 01-156 be and the same is hereby amended.

72. FORCE AND EFFECT

This Schedule shall come into force and take effect on the date of its passing and enactment.

ENACTED AND PASSED

CLERK

MAYOR

Schedule 25

Appendix 1

Meter Increase – Taxi Fares

- The meter increase approved by Council is now included in the proposed by-law as follows:

For the first 71.4 metres or part thereof	$2.50
For each additional 71.4 metres or part thereof	$0.10 ($1.40/km)
For waiting time while under engagement for each 14 (fourteen) seconds	$0.10
Livery or meter cabs by agreement (per hour)	$32.10

That the above rates include the Federal Goods and Services Taxes; and

That promotional discounted fares be prohibited subject to approval of Issuer of Licenses.

Senior Citizens 10% reduction Calculated on the highest FULL Dollar registered on taxi meter

Schedule 25
Appendix 2

TaxiTrip Sheet

Date__________ **Start Shift Time** __________ **End Shift Time** __________

Drivers Name ____________________ **Taxicab #** ____________ **Broker** ____________

	From	Starting Odometer	Destination	Arrival Odometer	Charged	Flate Rate	Metered Rate		
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
22									
23									
24				Totals					
25									
26									
27				Grand Total					
	Equipment Faults: Brakes		Steering	Lights					
	Exhaust System		Radio	Meter					
	Cleanliness & Damage: Interior		Exterior	Check: Oil		Transmission Fluid			
	Driver Comments:								

Schedule 25
Appendix 3

Priority List			
NO.	APPL' DATE	FIRST NAME	LAST NAME
1	11-May-73	LOU	PARCO
2	01-Feb-78	MARILYN	MAJOROS
3	13-Feb-78	PAUL	HATHAWAY
4	15-Feb-78	ROMAN	JANKEVICIUS
5	16-Feb-78	CECIL	SNOW
6	07-Mar-78	GEORGE	KEPENYES
7	03-Apr-78	HANS	WIENHOLD
8	17-Apr-78	KHALIL	ZOUROB
9	24-Jul-78	ISHAR SINGH	THIARA
10	30-Mar-79	JOSEPH	KUBINA
11	03-Apr-79	PETER C.	ELDRIDGE
12	09-May-79	GORDON	SIMIGIAN
13	09-May-79	GARY A.	VERE
14	09-May-79	JOHN	DRISCOLL
15	09-May-79	KEN	MUSCHIK
16	11-May-79	JUNE	LUKE
17	15-May-79	DANIEL	GAGNON
18	17-May-79	EDWARD J.	HALLORAN
19	18-May-79	LEOPAULD G.	BEAUCHAMP
20	18-May-79	WALID	CHAFIC
21	23-May-79	HANNIBAL	RIZZUTO
22	06-Jun-79	LEONARD	WILLETTS
23	26-Jun-79	GERALD J.	TREMBLAY
24	05-Jul-79	STAN	KROK
25	13-Jul-79	GORDON	CUMMING
26	15-Aug-79	ADNAN	SHEDHADEH
27	11-Sep-79	SHARON	BELLAMY
28	01-Oct-79	DANIEL L.	BERNIER
29	05-Oct-79	LORRAINE	MOONEY
30	30-Oct-79	WILLIAM J.	PERKINS
31	09-Nov-79	LARRY	ROBERGE
32	14-Nov-79	ROGER	FRANCOEUR
33	06-Dec-79	PETER	OBRATOSKI
34	12-Feb-80	MARC STUART	HATHAWAY
35	14-Feb-80	YOGINDER K.	SHARMA
36	27-Feb-80	ADELIA	BALICE
37	28-Feb-80	COSIMO	BALICE
38	14-Jul-80	ANTHONY PAUL	DICICCIO
39	29-Jul-80	INAM-UR	REHMAN
40	06-Oct-80	GURDIP S.	SOOR

41	05-Dec-80	MOHAMMAD	AHMED
42	22-Dec-80	KALOUST	KALOUSTIAN
43	23-Dec-80	ROBERT	KOCZERZAT
44	24-Dec-80	SOLOMON	MARCELLIN
45	07-Jan-81	RANDALL G.	CRUDEN
46	22-Apr-81	JOHN	WEISS
47	30-Apr-81	SHIRLEY	HATHAWAY
48	06-Aug-81	DANIEL	VELTRI
49	26-Oct-81	STEPHEN	JONES
50	24-Nov-81	WAYNE STEWART	MCGREGOR
51	28-Jan-82	ANTHONY F.	RIZZUTO
52	28-Jan-82	JOHN FRANCIS	MOONEY
53	01-Feb-82	PHILIP	DALES
54	08-Feb-82	DRAGO	BASIC
55	26-Feb-82	JOHN C.	MACDONALD
56	18-Mar-82	THEODORS	TOMA
57	05-Apr-82	PUTRUS	ISAK
58	14-Apr-82	JOGINDAR SINGH	DHALIWAL
59	08-Jun-82	KEITH	JOHNSON
60	10-Jun-82	DONNA	BOURKE
61	24-Jun-82	ANDREA ROCHELLE	ROSART
62	24-Jun-82	WILLIAM	KHAMMO
63	21-Jul-82	THOMAS F.	SEBISTY
64	08-Oct-82	RICHARD	SINDALL
65	18-Oct-82	HARBANS SINGH	KALSI
66	01-Nov-82	MARK	GRANBY
67	08-Nov-82	WILLIAM G.	ROMANS
68	17-Dec-82	ELIZABETH JANE	MILLIGAN
69	23-Dec-82	AHMAD	MALIK
70	02-Feb-83	RONALD	GEER
71	27-Apr-83	BASIL W.	SCIME
72	09-Jun-83	SANDRA	FUKUMOTO
73	04-Jul-83	DANE	HATHAWAY
74	19-Sep-83	BRENDA	ROBERGE
75	12-Jul-84	RUDOLPH A.	CIZEK
76	02-Aug-84	JEFFERSON LEE	JOHNSON
77	03-Oct-84	COLLETTE	ROBERGE
78	10-Oct-84	AL	REICHERT
79	22-Oct-84	ANNE	SCIME
80	14-Dec-84	ZERE	TEWOLDE
81	19-Dec-84	MICHAEL	ROTH
82	28-Dec-84	RONALD W.	MOROZ
83	26-Feb-85	MOHAMMAD NAEEM	KHAN
84	16-Jan-86	LEONARD	ROBERGE
85	31-Jan-86	KARLIS	VALODZE
86	02-Jul-86	MICHAEL	GEER
87	03-Jul-86	DENISE	GEORGIAN
88	05-Aug-86	SHABIR	AHMED
89	05-Sep-86	HABTE-AB	TECHLE-MARIAM

90	23-Oct-86	PETER H.	ROBERTSON
91	15-Dec-86	JEFF	SINDALL
92	29-Dec-86	ANTHONY R.	RIZZUTO
93	29-Dec-86	SHAHID	BUTT
94	30-Dec-86	SHAKIL	SIDDIQUI
95	05-Jan-87	BASHARAT	BUTT
96	09-Jan-87	ERIC	SHEPHERD
97	26-Jan-87	WAYNE	LEPINE
98	19-Feb-87	GORDON A.	GREB
99	29-May-87	KENNETH C.	REICHERT
100	23-Jun-87	TOM	PARCO
101	23-Jun-87	DOROTHY	VAN KLEEF-HUNT
102	23-Jun-87	VALENTINO	DALBELLO
103	23-Jun-87	MARIA	DALBELLO
104	23-Jun-87	HUGO	DIFRANCESCO
105	23-Jun-87	MARY ANN	DIFRANCESCO
106	23-Jun-87	MARY	MARTINAC
107	31-Aug-87	ALISA A.	CLEARY
108	08-Oct-87	BONNIE L.	GEER
109	21-Dec-87	JOSEPH	VARGA
110	05-Jan-88	FREDERICK J.	MULDOON
111	06-Jan-88	MARIO	POSTERARO
112	13-Jan-88	JAGIR	MULTANI
113	29-Jan-88	MOHAMMAD	FAROOQ
114	22-Feb-88	AL	ARTHURS
115	22-Feb-88	RAPHAEL	KOLENKO
116	26-Feb-88	MARTHA	FERGUSON
117	31-Mar-88	BRIAN	COSGROVE
118	12-Apr-88	MEL	MCGUIGAN
119	12-Apr-88	GINA-MARIA	MCGUIGAN
120	12-Apr-88	ANGELA	MCGUIGAN
121	25-Apr-88	AUDREY	JOHNSON
122	04-May-88	PANTELIS	ILIOS
123	11-May-88	FARRUKH	QURESHI
124	24-May-88	OLINDO	DALBELLO
125	28-Jun-88	RODGER	MCEACHERN
126	07-Aug-88	RONALD	AIRTH
127	06-Sep-88	CLAUDIO	BALICE
128	19-Sep-88	GHULAM N.	BUTT
129	27-Sep-88	WILLIAM	ROMANS
130	20-Oct-88	MICHAEL G.	FORD
131	04-Nov-88	ROBERT	MASCHEWSKI
132	11-Jan-89	BRENT J.	DAWSON
133	13-Jan-89	RAY	MAURICE
134	24-Jan-89	JERRY	ZARASKI
135	13-Feb-89	LARRY P.E.	BROADBENT
136	13-Jul-89	JOSEPHINE	RIZZUTO
137	26-Jul-89	PETER	RIHBANY
138	15-Jun-90	WILLIAM	PERKS

139	31-Aug-90	GAIL	RIZZUTO-DOWLING
140	20-Feb-91	RONALD	ROBERGE
141	17-Apr-91	TOKUNBO (DAVE)	OGUNLADE
142	03-Jan-92	JAGTAR SINGH	CHAHAL
143	04-Sep-92	ANGELA	RIZZUTO-ECKLUND
144	25-Apr-95	JOHN CONNELLY	MCGOVERN

Schedule 25

Appendix 4

PASSENGER BILL OF RIGHTS

1. The passenger has the right to:
    - a professional and knowledgeable taxicab driver who is licensed
    - a driver who is provides a safe ride
    - a taxicab driver provides a silent ride if desired
    - a taxicab driver who knows the major streets and destinations
    - a taxicab driver who is courteous and provides assistance
    - a taxicab driver who speaks and understands English
    - a taxicab driver who knows the Taxi By-law and traffic laws

2. The passenger has the right to an effective customer complaint process.

3. The passenger has the right.to direct a taxicab driver on the route to be taken.

4. A clean, safe, air-conditioned and smoke-free taxicab.

5. A free ride if the meter is not in a 'recording' position.

6. Obtain a receipt that shows the date, time, the taxicab driver's name, identification number and fare charge

5. Taxi Drivers Licences are to be displayed inside the taxi and the passenger has a right to see it.

7. A passenger has thirty days to file a signed complaint. The complaint must be in writing and include your name, address and telephone number, and address the complaint to:

Standards & Licensing
City Hall
71 Main Street West, 3rd Floor
Hamilton, ON L8P 4Y5

If you have any questions you may call 905.546.2350

SCHEDULE 25

APPENDIX 5

Taxicab Driver BILL OF Rights

A Taxicab Driver has the following rights:

- A clean, safe, licensed, air-conditioned and smoke-free taxicab
- Fair and equitable dispatch service
- Access to a service and skills training program
- A taxicab driver can refuse a customer if the customer requests the taxi driver to carry any passengers or baggage, which the taxi driver is incapable of carrying
- Can refuse a customer if they are drunk or disorderly
- Can refuse a customer if the customer is unable to pay for the fare or if the customer owes money from a previous ride
- Can refuse a customer if the customer requests the driver to carry an animal or baggage, which might be detrimental to the repair, cleanliness or sanitary condition of the taxi (with the exception to seeing eye dog)
- Taxi driver's responsibility to check his taxi after a customer has departed to ensure the customer has not left any belongings in the taxi – if the customer has left something behind the driver is to make every reasonable attempt to return the belonging to the owner. If the owner cannot be found belonging is to be turned over to the Taxi Broker's Office.

Recommendations approved by Council at their meeting dated September 25, 2002:

1. **Harmonized By-law for the City of Hamilton/Borders of former Area Municipalities**

   (a) That taxi cabs licensed by the City of Hamilton have open access across the new City and that all previous borders defined by the former municipalities amalgamated into the new City be eliminated, and include the following regulations:

      (i) That no new taxi plates be issued by the City of Hamilton for one year in order to measure the impact of amalgamation on the taxi industry;

      (ii) That the issuance of future taxi plates be based on the current ratio of taxi plates to population, 1 taxi plate per 1,170 population.

      (iii) That staff develop additional criteria for the issuance of new taxicab plates in addition to the proposed ratio of taxi plates to population, to include:

         (1) Submission of business plans or proposals to address service level requirements, pockets of population growth due to development, trip volume increases and / or increased ridership in H.S.R;

         (2) Consideration for the issuance of temporary taxicab plates for special events such as the World Cycling Championships, conventions or Grey Cup;

         (3) Increase in number of dispatched trips by a brokerage;

         (4) Increase in the business industry in the City of Hamilton (more hotels, bingo parlours, office space, theatres, shopping centres, bars and restaurants);

         (5) Population related factors such as overall population increase or decrease, change in apartment or townhouse population, change in caseload for Social Service, and change in senior citizen population;

         (6) Taxicab stand counts – how long does a taxi wait for a fare (check at peak and off peak time periods);and

         (7) Industry consultation

2. **Owner Operated Taxicabs and Leasing**

   (a) That all taxi plate owners be required to be directly engaged in the management or day to day operations of their taxi plate(s).

   (b) Plate owners may enter into only one lease agreement per plate in the City of Hamilton at any one time.

   (c) The lessee must personally operate the leased taxi cab plate a minimum of five eight hour shifts per week.

   (d) All parties named in the lease agreement shall provide thirty days written notice to the respective party and to the City of Hamilton Licensing Authority prior to terminating the lease agreement.

   (e) The City of Hamilton Licensing Authority shall have the authority to refuse to issue a lease agreement and/or rescind a lease agreement.

   (f) The lessee must affix the taxi cab plate on the vehicle within seven days of undertaking the lease agreement.

(g) All lessees must have a current City of Hamilton Taxi Cab Driver license.

(h) That an administration fee of $50 be charged for the late registration of a lease agreement with the City of Hamilton Licensing Authority.

(i) Lessees cannot undertake more than one lease agreement at any time in the City of Hamilton.

(j) Subject to a five year phase in period, a taxicab Broker shall not act as an Agent or party to any lease agreement between the lessor and lessee.

3. Priority List and the Issuance of Taxicab Plates

(a) That no new taxi plates be issued by the City of Hamilton for one year in order to measure the impact of amalgamation on the taxi industry

(b) That the issuance of future taxi plates be based on the current ratio of taxi plates to population, 1 taxi plate per 1,170 population.

(c) That staff develop additional criteria for the issuance of new taxicab plates in addition to the proposed ratio of taxi plates to population, to include:

  (i) Submission of business plans or proposals to address service level requirements, pockets of population growth due to development, trip volume increases and / or increased ridership in H.S.R;

  (ii) Consideration for the issuance of temporary taxicab plates for special events such as the World Cycling Championships, conventions or Grey Cup

  (iii) Increase in number of dispatched trips by a brokerage

  (iv) Increase in the business industry in the City of Hamilton (more hotels, bingo parlours, office space, theatres, shopping centres, bars and restaurants)

  (v) Population related factors such as overall population increase or decrease, change in apartment or townhouse population, change in caseload for Social Service, and change in senior citizen population

  (vi) Taxicab stand counts – how long does a taxi wait for a fare (check at peak and off peak time periods)

  (vii) Industry consultation

(d) That the City of Hamilton offer a reduced taxi cab licensing and/or renewal fee to those taxi cabs operating within the communities of the former area municipalities to maintain service levels.

(e) That the existing priority lists for the former Cities of Hamilton (141 names) and Stoney Creek (15) be maintained and merged.

4. Inactive Taxicab Plates

(a) That staff undertake further investigation into the activity of all plates in the former area municipalities, and require the former area municipality taxicab plate owners to provide documentation that their respective taxicab plates were actively engaged in the taxi industry for the past three years.

(b) That those former area municipality taxicab plate owners that cannot provide documentation for their respective taxicab plates be denied a taxi owner plate for the City of Hamilton.

(c) Not withstanding b), any former area municipality taxicab plate owner who is denied a taxi owner plate has the right to appeal to the Licensing Committee.

(d) That the following documentation be required to be submitted to the Issuer of Licenses in order to establish the activity of a taxicab plate, and that the documentation cover the time period from 1996 to present date:

- certificate of insurance for the subject vehicle(s)
- drivers' lists
- trip sheets
- mechanical safety certificates
- taxicab drivers to provide T4's
- City inspection certificates
- vehicle ownership

5. Wheelchair Accessible Taxicabs

That the issuance of Wheelchair Accessible Taxicab plates be tabled until further consultation is undertaken with the D.A.R.T.S. program administrators.

6. Customer Service

(a) That the City of Hamilton improve customer service and create the delivery of top rate service to the taxi riding public through a one-tiered taxi system with new taxi cab plates being issued as the increase in population requires.

(b) That the City of Hamilton adopt:

(i) a Taxicab Passenger Bill of Rights for all taxicabs, to be displayed on the back of the passenger seat to inform Taxicab passengers of their rights; and

(ii) a Taxicab Driver Bill of Rights for all taxicabs, to be displayed on the back of the passenger seat to inform Taxicab passengers of the rights of the Taxicab Driver.

(c) That the City of Hamilton adopt a customer complaints/compliments hotline utilizing 546-CITY, and adopting a follow-up and resolution process.

7. Quality of Vehicles

(a) That the use of a spare taxi cab vehicle(s) be limited to operate seven consecutive days; and

(b) That the licensee must notify the City Of Hamilton Licensing Authority prior to placing a spare vehicle in use and identify the licensed taxi cab vehicle the spare is replacing.

(c) That safety and mechanical inspection certificates shall be submitted to the City of Hamilton

Licensing Authority pursuant to the age restriction program requirements.

(d) That the City of Hamilton tender for the inspections of safety and mechanical fitness pursuant to Ministry of Transportation regulations for taxi cab vehicles by a qualified mechanic. These safety certificates are to be submitted to the municipality for licensing or renewal of licensing of the taxi cab vehicle.

(e) That a licensee be limited to one spare vehicle per five licensed taxicab vehicles to a maximum of three spare vehicles.

(f) Spare taxicab vehicle(s) must be inspected by the City of Hamilton Licensing Authority prior to the taxi cab owner's plate being approved for renewal.

(g) That the City of Hamilton include the following age restrictions for those vehicles licensed to operate as taxicabs as follows:

  (i) That a new taxi license will be issued to vehicles which are three (3) model years old or newer.

  (ii) That an existing taxi license will be renewed to those vehicles that are no older than ten (10) model years and meet the requirements of the City of Hamilton Licensing Inspector.

  (iii) That a vintage plate be issued to vehicles ten (10) model years of age and older that meet the requirements of the City of Hamilton Licensing inspector.

  (iv)And that this age restriction program for currently licensed taxicab vehicles be phased in over a three-year period.

(h) That the City of Hamilton require mechanical and safety inspections for each taxi cab vehicle to be licensed or to renew a license, as follows:

  (i) That taxi cab vehicles with a model of three (3) years of age or less be required to undergo mechanical inspections and City of Hamilton inspections one time per year.

  (ii) That taxi cab vehicles with a model year more than three (3) years old to a maximum of ten (10) years old be required to undergo mechanical inspections and City of Hamilton inspections as follows:

    Three (3) to five (5) years must be inspected twice per year

    Six (6) to ten (10) years must be inspected three times per year

The Sub-Committee requested that the added cost of undertaking more inspections be charged to the owner of the older vehicle and that the owner be required to sign an agreement with the City.

8. Driver Training and Safety

(a) That the City of Hamilton develop an enhanced and expanded taxi driver training program beyond the existing requirements for new and currently licensed taxi drivers.

(i) That all new drivers be required to undertake this training program.

(ii) That all existing licensed taxi drivers be required to undertake the training program within three years of the date of enactment of this schedule of the City of Hamilton Licensing Code.

(iii) That this training program include an in-car component, as well as in-class tests and sessions to encompass geography, customer service, tourism, hospitality, defensive driving, communication skills, cab maintenance, by-law provisions and monetary transactions.

(iv) That only those persons successfully completing the aforementioned training course will be issued a taxi driver licence in the City of Hamilton, and will undergo re-testing as deemed necessary by the City of Hamilton Licensing Authority.

(v) And that the City of Hamilton play a regulatory rather than an administrative role in the provision of the driver training program.

(b) That all taxicabs operating in the City of Hamilton be equipped with an exterior emergency lighting warning system to provide safety for the taxicab driver.

(c) That within the next five years, all taxicabs be equipped with a G.P.S. system and other safety alternatives, and cameras.

9. Increased Municipal Enforcement

(a) That Municipal Enforcement Officers have the authority, if the Officer deems public safety is at risk, to:

(i) remove a taxi cab from service;

(ii) remove the City of Hamilton taxi plate; and/or

(iii) have the taxicab towed to a municipal compound.

(b) That the City of Hamilton establish a fine structure to ensure that the appropriate deterrents are in place for those persons or vehicles not in compliance with the City of Hamilton Licensing Code.

(c) That the Building and Licensing Division complement be increased by one F.T.E. to provide a dedicated taxi enforcement program.

Schedule 31

	Licence and Inspection Fees City of Hamilton			
NEW LICENCE				
Licensing Category	**Licence Fee/New**	**Health Inspection**	**Fire Inspection**	**TOTAL New**
Administration Fee for Appeals	$50.00			
Antique Market / Flea Market	$185.00		$120.00	**$305.00**
Auctioneer	$235.00			**$235.00**
Adult Entertainment Parlor	$4,050.00	$90.00	$120.00	**$4,260.00**
Adult Entertainment Parlor Attendant	$250.00			**$250.00**
Adult Entertainment Parlor Operator/Manager	$1,390.00			**$1,390.00**
Adult Video Store Class A	$2,050.00			**$2,050.00**
Adult Video Store Class B	$200.00			**$200.00**
Body Rub Parlor Owner	$6,720.00	$90.00		**$6,810.00**
Body Rub Parlor Attendant	$320.00			**$320.00**
Body Rub Parlor Operator/Manager	$320.00			**$320.00**
Building Exterior Cleaner	$235.00			**$235.00**
Cigarette / Tobacco Sales	$185.00	$150.00		**$335.00**
Collectors of Second-hand Goods	$235.00			**$235.00**
Bed and Breakfast	$185.00	$60.00	$120.00	**$365.00**
Eating Establishment:				
Restaurant	$185.00	$90.00	$120.00	**$395.00**
Lunch Counter	$185.00	$90.00	$120.00	**$395.00**
Refreshment stand	$185.00	$30.00		**$215.00**
Drive-in Restaurant	$185.00	$60.00	$120.00	**$365.00**
Restaurant Take-out	$185.00	$60.00	$120.00	**$365.00**
Food Shop:	$185.00	$30.00		**$215.00**
Bake Shop	$185.00	$60.00		**$245.00**
Butcher	$185.00	$60.00		**$245.00**
Caterer	$185.00	$90.00		**$275.00**
Fish Monger	$185.00	$60.00		**$245.00**
Hawker / Peddler (motorized vehicle)	$235.00			**$235.00**
Kennels, Pet Shops & Veterinarian Clinics	$185.00			**$185.00**
Lodging House	$185.00	$90.00	$120.00	**$395.00**
Mobile Home Park	$2,500.00	$90.00	$120.00	**$2,710.00**
	& $250.00/ site			**& $250.00/ site**
Pawnbroker	$185.00			**$185.00**
Personal Service facility	$185.00	$90.00		**$275.00**
Precious Metals & Jewelry Dealers	$185.00			**$185.00**
Public Baths	$320.00	$90.00		**$410.00**
Public Garage:				
(A) Buying, Selling, Storing	$185.00			**$185.00**
(B1) Combined Engine & Body Work	$185.00		$120.00	**$305.00**
(B2) Engine Work	$185.00		$120.00	**$305.00**
(B3) Body Work	$185.00		$120.00	**$305.00**
(C) Gas Hoses	$185.00			**$185.00**
(D) Parking Lot	$185.00			**$185.00**
(E) Car Wash Only	$185.00			**$185.00**
Public Halls	$185[illegible]	$30.00	$120.00	**$335.00**
Places of Amusement:				

Amusement Arcade	$185.00		$120.00	$305.00
Amusement Rides	$185.00			$185.00
Carnivals	$185.00	$30.00		$215.00
Circus	$185.00	$30.00		$215.00
Billiard / Bagatelle Tables	$185.00		$120.00	$305.00
Bingo Parlour	$185.00		$120.00	$305.00
Bowling Alley	$185.00		$120.00	$305.00
Motor Vehicle Race Track	$185.00		$120.00	$305.00
Other	$185.00			$185.00
Proprietary Club	$185.00	$30.00	$120.00	$335.00
Roller Skating Rink	$185.00		$120.00	$305.00
Skateboarding, BMX bikes	$185.00		$120.00	$305.00
Refreshment Vehicles:				
Class A *	$235.00	$60.00		$295.00
Class B *	$235.00	$60.00		$295.00
Class C	$235.00	$30.00		$265.00
* Add $120 Fire Inspections for Chip Wagons Only				
Recreational Camping Establishment	$185.00	$90.00	$120.00	$395.00
Salvage Yard	$185.00		$120.00	$305.00
Seasonal Food Vendors	$185.00	$30.00		$215.00
Second-hand Shop	$185.00			$185.00
Second Level Lodging Home (4-10 Residents)	$190.00	$50 per bed	$120.00	$330.00+beds
Second Level Lodging Home (11 or more Residents)	$330.00	$50 per bed	$120.00	$450.00+beds
Sign Posters and Bill Distributor	$235.00			$235.00
Taxi cab owner (private)	$3,480.00			$3,480.00
Taxi cab owner (transfer)	$670.00			$670.00
Taxi cab Broker	$590.00			$590.00
Taxi cab Driver	$150.00			$150.00
Taxi cab Priority list (application)	$60.00			$60.00
Taxi cab (limited interest agreement)	$120.00			$120.00
Taxi Cab limited interest agreement late fee	$50.00			
Trade License Contractor				
Building Repair	$167.00			$167.00
Plumber	$167.00			$167.00
Heating, Ventilation & Air Conditioning	$167.00			$167.00
Drainage	$167.00			$167.00
Electrician	$167.00			$167.00
Trade Licence Masters				
Building Repair	$83.00			$83.00
Plumber	$83.00			$83.00
Heating, Ventilation & Air Conditioning	$83.00			$83.00
Drainage	$83.00			$83.00
Electrician	$83.00			$83.00
Wheel chair accessible Taxi cab	$5.00			$5.00
Limousines (owner)	$470.00			$470.00
Limousines (driver)	$150.00			$150.00
Tow Truck Owner	$235.00			$235.00
Tow Truck Driver	$235.00			$235.00
Transient Trader (Licence issued for 3 month period)	$500.00			$500.00

AFFECTS WARDS 1, 3, 4, 6, 7, 9, 11, 12, 13 & 15

11.2

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	April 16, 2003 1302-1	**Prepared by:**	Ron Marini (905) 546-4178 Hazel Milsome (905) 546-2755 Juri Berzins (905) 546-4160

SUBJECT: **Allocation of Block Funding for Other Downtowns and Business Improvement Areas - (PD03089) (Affects Wards 1, 3, 4, 6, 7, 9, 11, 12, 13 & 15)**

RECOMMENDATION:

a) That block funding in the amount of $250,000 for streetscape improvements within other downtowns and business improvement areas approved as part of the 2003 Capital Budget be allocated as follows:

i)	Ancaster - $40,000
ii)	Barton Village B.I.A. - $25,000
iii)	Concession Street B.I.A. - $30,000
iv)	Dundas - $30,000
v)	Ottawa Street B.I.A. - $30,000
vi)	Stoney Creek - $20,000
vii)	Waterdown - $45,000
viii)	Westdale Village B.I.A. - $30,000

b) That staff from the Downtown Renewal Division be authorized and directed to implement the projects detailed in the Background Section and Appendix A of Report PD03089.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Allocation of $250,000 approved as part of the 2003 Capital Budget for streetscape improvements within other downtowns and business improvement areas.

BACKGROUND:

The Downtown Renewal Division, Planning and Development Department developed a 10-Year Capital Budget Plan for other downtowns and business improvement areas (attached as Appendix 'A'). The total amount submitted for consideration during the 2003 budget deliberations was $1,295,000 not including miscellaneous projects of the Downtown Renewal Division. The Corporate Management Team recommended block funding of $250,000, this amount was subsequently approved at City Council as part of the 2003 Capital Budget.

The 10-Year Capital Budget Plan was developed in consultation with the Public Works Department to ensure the co-ordination of underground and above ground works with the goal of causing as little disruption as possible during the construction period.

Staff from the Downtown Renewal Division scrutinized the 10-Year Capital Budget Plan to determine priorities for expenditure of the $250,000 based on existing conditions and any internal or external factors that impact the areas. The following is a summary of our findings:

Ancaster Village – Contribution to Hydro Works on Wilson Street and Heritage Signage
Recommended Expenditure - $40,000

The Canadian Bell Open will be hosted at the Hamilton Golf and Country Club located in Ancaster in September. Hamilton Hydro is proposing to carry out hydro works at the corner of Halson and Wilson Streets that provides an opportunity to bury overhead wires if other funding partners contribute to the works. The allocation will be spent on contributing to the Hydro works and implementation of heritage signage within the Ancaster Core.

Barton Village B.I.A. – Replacement of Dead Trees in Centre Median and Streetscape Furniture
Recommended Expenditure - $25,000

The former City of Hamilton in the mid-late 1990s implemented traffic calming and streetscape initiatives within the Barton Village B.I.A. as part of the Barton Street Revitalization Program funded by the Province of Ontario. Traffic calming included the installation of planted medians in the centre boulevard in an effort to create a green treed corridor along the street. The trees have not survived and have been replaced three (3) times using different species. The trees are not surviving due to the "crypt" they are planted in. Downtown Renewal Division and Public Works Department staff concur that the dead trees should be removed and new trees should be planted in bottomless planters in structured soil. This method of planting will provide an enhanced environment for the trees and allow them to thrive. The Forestry Division included an enhanced package as part of its 2003 Current Budget to cover the cost of this project. The project was not approved as part of their Budget. It would be unacceptable to remove the trees and leave the medians empty in an already challenged area of the City. The B.I.A. is also in need of street furniture. Staff will work with the Ward Councillor and the B.I.A. to determine priorities for expenditure of the remaining monies.

Binbrook
No Recommended Expenditure

Staff from the Planning and Development Department and Public Works Department is developing an Urban Design Plan and Transportation Plan for Binbrook. Upon completion of the plans a 10-Year Capital Budget will be developed for the implementation of the documents.

Concession Street B.I.A. – Upgrading of Lighting and Streetscape Furniture
Recommended Expenditure - $30,000

The Downtown Renewal Division hired a consultant to undertake a commercial market analysis and articulate an action plan for the Concession Street B.I.A. The action plan lays the foundation for sustaining and growing the B.I.A. and is now being complemented by the development of an Urban Design Plan that reinforces the "theme" of the B.I.A. articulated in the action plan, through its physical environment. The Urban Design Plan is near completion and will be forwarded to Council under separate cover.

Priorities for the Concession Street B.I.A. include addressing the lack of lighting within the area through upgrading the existing cobra heads from 250w per pole to 400w per pole. The placement of additional litter containers, benches and planters throughout the B.I.A. is also a priority, in particular throughout the expanded area of the B.I.A. The Ward Councillor and the Concession Street B.I.A.'s Board of Management will work with staff to identify priorities for streetscape furniture. New lighting standards are also a priority for the area however the allocated funds are not sufficient to address this component of the urban design plan.

Downtown Hamilton B.I.A.
No Recommended Expenditure

The Downtown Hamilton B.I.A. has benefited from streetscape improvements undertaken within a large portion of its boundaries through City of Hamilton Downtown initiatives. It will also benefit from the implementation of streetscape improvements on King William Street between James and Catharine Streets and Hughson Street between Hunter and Rebecca Streets - both planned for detailed and tender drawings in 2003 with implementation in 2004 utilizing previously approved Community Trust Funds.

Dundas B.I.A. – Streetscape Furniture and Signage
Recommended Expenditure - $30,000

The Dundas B.I.A. requires upgrading of existing street furniture including heritage style street signs and litter containers that would complement the heritage theme identified in the King Street Urban Design Plan developed a number of years ago. In addition, if funds are available, the Memorial Community Billboard should be updated. While the 10-Year Capital Budget Plan identifies the reconstruction of the roadway and sidewalks on King Street, the works will be carried out in future years to coincide with underground works planned by the Public Works Department. The Ward Councillor and the Dundas B.I.A.'s Board of Management will work with staff to identify priorities for streetscape furniture.

International Village B.I.A.
No Recommended Expenditure

The International Village B.I.A. has benefited from streetscape improvements undertaken by the City of Hamilton on King Street, King William Street and Ferguson Avenue.

King Street West B.I.A.
No Recommended Expenditure

The King Street West B.I.A. has benefited from streetscape improvements implemented on King Street West in 2002.

Main Street West B.I.A.
No Recommended Expenditure

The Main Street West B.I.A. is one of the B.I.A.s that will have a commercial market analysis and action plan developed as part of the 2003 Capital Budget. Upon completion of the market analysis staff from Downtown Renewal Division will develop an Urban Design Plan to complement the market analysis. Completion of an Urban Design Plan is not anticipated until sometime in 2004. The document will provide guidance for expenditure of monies for streetscape improvements.

Ottawa Street B.I.A. – Environment Assessment and Street Furniture
Recommended Expenditure - $30,000

The Downtown Renewal Division hired a consultant to undertake a commercial market analysis and articulate an action plan for the Ottawa Street B.I.A. The action plan lays the foundation for sustaining and growing the B.I.A. The development of an urban design plan to complement the "theme" of the B.I.A. that was articulated in the action plan will be undertaken in 2003 as part of the Work Plan for the Senior Landscape Architect in the Downtown Renewal Division. Upon completion of the urban design plan, a report will be forwarded to Council under separate cover.

The Ottawa Street B.I.A. has focused its efforts on the potential development of a pedestrian node/parkette within its boundaries on a parcel of land owned by the City of Hamilton. A Phase One Environmental Assessment has been undertaken on the land and, it is recommended that $6,000 of the proposed $30,000 expenditure within the B.I.A. be utilized for a Phase Two Environment Assessment on the lands. The remaining monies will be utilized on streetscape furniture and staff will work with the Ward Councillors and the Ottawa Street B.I.A.'s Board of Management to prioritize the streetscape furniture.

Stoney Creek – Street Furniture
Recommended Expenditure - $20,000

Included in the approved 2003 Capital Budget is an amount of $150,000 for the Augustus/Jones Sculpture – an arts component of the Olde Town Urban Design Plan developed a number of years ago for the former City of Stoney Creek. These works are being funded through Taro Royalties. Major improvements are identified in the 10-Year Capital Budget Plan that will implement the urban design plan and will be co-ordinated with underground works of the Public Works Department. Staff will consult with the Board of Management of the Stoney Creek B.I.A. to identify priorities for streetscape furniture where applicable.

Waterdown – Planted Medians and Street Furniture
Recommended Expenditure - $45,000

The Waterdown B.I.A. had a commercial market analysis and action plan developed in 2002. The Senior Landscape Architect, Downtown Renewal Division, will develop an Urban Design Plan to compliment the market analysis in 2003 as part of the work plan. In the interim it is recommended that two (2) existing concrete medians located on Highway #5 at Hamilton Street and Berry Hill Avenue be reconstructed as planted medians to complement initiatives previously implemented by the former Town of Flamborough and the Waterdown B.I.A. The remaining monies will be spent on street furniture. Staff from the Downtown Renewal Division will work with the Ward Councillor, and the Waterdown B.I.A.'s Board of Management to determine priorities for the street furniture.

Westdale Village B.I.A.
Recommended Expenditure - $30,000

The Westdale Village had a commercial market analysis and action plan developed in 2002. Staff from the Downtown Renewal Division is developing an urban design plan that will be forwarded to Council under separate cover. The "theme" developed in the market analysis will be reinforced through the physical environment. There are a number of projects that are critical to the B.I.A. including gateway signage, street furniture and maintenance of the existing pedestrian node located at Paisley and King Street West as well as street lighting. Staff from the Downtown Renewal Division will work with the Ward Councillor and the Board of Management of the Westdale Village B.I.A. to identify priorities for expenditure of the funds. New lighting is the priority for

Westdale, however with the limited funds available this component will not be addressed at this time.

ANALYSIS OF ALTERNATIVES:

A strategic 10-Year Capital Budget Plan attached as Appendix 'A' identifies alternative projects for funding however the budgeted amount limits the projects that can be implemented.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The 2003 Capital Budget approved by Council includes $250,000 for improvements within other downtowns and business improvement areas contained in Project Number 8200303105. Maintenance implications will be addressed prior to installation.

Staffing – Existing staff complement in the Downtown Renewal Division will co-ordinate the implementation of the streetscape improvements.

Legal – Implementation of the streetscape improvements will not have legal implications as the improvements are of a minor nature.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Staff of the Downtown Renewal Division has consulted with the Forestry, Beautification, Asset Management and Roads Divisions of the Public Works Department with respect to implementation of the projects listed above. Staff from the Long Range Planning Division were consulted with respect to the Binbrook Urban Design Plan and Hamilton Hydro was contacted with respect to the Ancaster project.

Upon approval of the allocation of monies for streetscape improvements Downtown Renewal staff will ensure that appropriate departments are consulted during implementation of the works.

:HM
Attach. (1)

DOWNTOWN RENEWAL DIVISION'S PROPOSED 2003-2013 CAPITAL BUDGET

Project	Work	Action	Ward	Dept.	Est. Budget	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Miscellaneous															
Commercial Assessments - B.I.A.s	Study	DRD	1,2,3,4,9	DRD	$ 100,000	100,000									
Downtown Zoning By-law	By-law	DRD	2	DRD	$ 250,000	250,000									
Commercial Property Improvement Grant Program	Grants	DRD	Various	DRD	$ 2,500,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000
Walnut Street Laneway Refurbishment	Ped/Street	DRD	2	DRD	$ 150,000	150,000									
Downtown Branding	Study	DRD	2	DRD	$ 150,000		$150,000								
Downtown Urban Bank	Financing	DRD	2	DRD	$ 2,300,000	$2,300,000									
Dundas BIA			13		3,710,000										
St. Signage, benches, litter, planters	ped/street	DRD		DRD		50, 000.									
King St. Gateways	ped/street	DRD					100, 000.								
York Rd. Corner Park Square	ped/street	DRD						$ 300,000							
Reconstruct King , from York to Market St.	road	TOE							800, 000	800, 000	800, 000.				
Concrete crosswalk intersections (5 1 / 2)	ped/street	TOE										140, 000.			
Grafton Block, Small Single Fountain	ped/street	CS											120, 000.		
Memorial Square and sidewalk reconstruction	ped/street	TOE,CS												300, 000.	300, 000.
Hatt St.			13		3,725,000										
Hatt Street Drawings	ped/street	DRD				$ 125,000									
Sidewalk/crosswalk recon.at Ogolvie to Foundry St.	ped/street	TOE					$ 600,000								
Town Hall Courtyard	ped/street	CS						$ 300,000							
Reconstruction of Hatt St., Mary St. to Market St.	ped/street	TOE								600, 000.					
Reconstruction of Hatt St., Mary St. to Market St.	ped/street	TOE									$ 400,000	400,000	400,000		
Memorial Park Hatt St.	ped/street	CS												500,000	400,000
John St. Park	ped/street	CS													
Waterdown BIA			15		2,150,000										
St. Signage, benches, litter, planters, planted medians	ped/street	DRD		DRD		$ 50,000									
New Boundary heritage light standards	ped/street	DRD		DRD			$ 600,000	$ 400,000	$ 400,000						
Refurbishment of Bumpouts	ped/street	TOE								$ 100,000					
Reconstruction of Mill St. Intersection and sd. Sts.	ped/street	TOE									$ 300,000	200,000			
Entrance gateways	ped/street	DRD								$ 100,000					
Stoney Creek BIA			9		2,320,000										
Augustus Jones Sculpture	ped/street	DRD				$ 150,000									
King St. Bridge and Boulevard treatment	ped/street	TOE					$ 200,000								
King St., Elm Crosswalk, Sidewalk Reconstruction	ped/street	TOE						$ 400,000							
Jones St. Bridge Project	ped/street	TOE							$ 100,000	$ 150,000					
King St.Median Boulevard Treatment	ped/street	TOE									$ 120,000				
King St. Sidewalk Reconstruction, Elm to 2 nd. St.	ped/street	TOE										400,000			
Secondary heritage Lighting	ped/street	DRD											400,000	400,000	
Westdale Village BIA			1		2,150,000										
Corner parkette, banners, St. Signage, furniture	ped/street	DRD				$ 50,000									
Traditional Theme lighting	ped/street	DRD		DRD		$ 400,000									
Entrance Gateway Features.	ped/street	DRD					$ 200,000								
Boulevard paving and crossection improvements	ped/street	DRD						$ 100,000							
Sidewalk and boulevard Reconstruction	ped/street	TOE							$ 1,400,000						

Appendix "A" to Report PD03089
Page 2 of 2

Concession St. BIA			7		1,930,000										
Street Blades, street elements, benches, planters	ped/street	DRD		DRD		$ 70,000									
Gateway features	ped/street	DRD		DRD			$ 100,000								
Westside and central	ped/street	TOE						400, 000							
Eastside boulevard parking	ped/street	TOE							$ 200,000						
crosswalk intersection improvements (8)	ped/street	TOE								$ 160,000					
Period lighting fixtures	ped/street	DRD									$ 500,000	500,000			
Ottawa St. BIA			3,4		1,690,000										
benches, litter, planters, heritage st. blades	ped/street	DRD		DRD		$ 60,000									
gateway features	ped/street	DRD		DRD			$ 60,000								
Concrete crosswalk intersections (6)	ped/street	TOE						$ 200,000							
Street and corner reconstruction	ped/street	TOE							$ 120,000						
Road resurfacing and maintenance	ped/street	TOE								$ 250,000					
Heritage Light fixtures	ped/street	DRD							$ 500,000	$ 500,000					
Barton Village B.I.A.			2,3		370,000										
benches,litter bicycle racks, planters	ped/street	DRD				$ 70,000									
entrance gateway feature	ped/street	DRD					$ 100,000								
international gateway feature	ped/street	DRD		DRD				$ 200,000							
Main Street West B.I.A.			1		360,000										
Gateway Signage	ped/street	DRD		DRD		$ 100,000									
Complete Heritage Light Standards	ped/street	DRD							$ 260,000						
King Street West B.I.A.			2												
Entranceway gateway features (Downtown Budget)	ped/street	CS		DRD	DWHC budget	TBA									
Ancaster Village			12		715,000										
Street Blades, benches, litter containers	ped/street	DRD				$ 50,000									
landscaped median islands for Wilson St.(8)	ped/street	TOE					$ 160,000								
Town Square refurbishment and entrance gateways	ped/street	DRD						$ 300,000	$ 80,000						
Crosswalk intersection improvements (5)	ped/street	DRD								$ 125,000					
Binbrook Village			11	PLAN		TBA									
urban design plan to be completed	ped/street	TOE													
Plan completed in fall of 2002 for review		PD													
International Village BIA	ped/street		2	DRD	no projects	TBA									
Downtown BIA	ped/street	DRD	2	DRD	no projects	TBA									
Hanging Flower Baskets															
Barton,Concession,Main, Ottawa,Waterdown,Westdale	ped/street	DRD	1,3,4,6,7,15	DRD	120,000	$ 120,000									

SECTION 12

Ward 14/15
IMPLICATIONS

12.1

CITY OF HAMILTON
PUBLIC HEALTH & COMMUNITY SERVICES
Culture and Recreation

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joe-Anne Priel General Manager
Date:	April 14, 2003	**Prepared by:**	Dale Wood 546-2533

SUBJECT: **Beverly Minor Hockey Outstanding Ice Fee Charges (HCS03010)(Ward 14/15)**

RECOMMENDATION:

That the request from the Beverly Minor Hockey Association to cover the outstanding ice fee charges for the 2001/2002 ice season be denied.

Priel

Joe-Anne Priel, General Manager
Public Health and Community Services

EXECUTIVE SUMMARY:

Beverly Minor Hockey Association has approached staff in Culture and Recreation to have their Ice Rental Contract for the 2001/2002 season reviewed and reduced in the amount of $9,357.12. They believe that the approved rates for the 2001/2002 season should have been lower for the Flamborough Associations, based on the minutes of the 2001 Budget Deliberation dated May 16, 2001. They based their fee schedule for their participants at a lower rate and feel that the rate of $102 per hour was unfair.

The Association sent in a formal request to Council to have the rate reviewed in the Fall of 2001 and staff have been attempting to resolve this issue. Staff are recommending that the request for assistance to cover outstanding ice fee charges be denied, as the request would affect other organizations from Flamborough who have already paid for their ice time in 2001 and have not requested a reduction.

BACKGROUND:

During the 2001 budget deliberations, the approval of ice rates for the 2001/2002 ice season was not finalized until well into the year. As a result, hockey and skating associations were faced with deciding what rates and fees to charge their participants, as many registrations took place prior to final approval of budget.

Beverly Minor Hockey was an active participant in many meetings dealing with the ice rates. During the discussions Beverly Minor Hockey Executives had requested from staff an estimated rate that they might be charged for ice in order to complete their budget and set their fees. Staff were unable to provide a fee rate, but did provide information on what was being recommended to Council which was at that time a 3 year phase in plan, trying to bring all groups to $90.00.

In the end, Council did not approve the staff recommendation and passed a motion "to cap all ice rate increases at a $5.00 limit". The Skating Clubs and Hockey Associations whose ice rates had been well below the $90 level anticipated an increase was coming and as such were able to adjust for the increase. Beverly Minor Hockey claims that through the discussion with staff, they were lead to believe that the rate would be no more than $90. As a result they based their budget on a lesser rate and charged fees to their participants which was a substantial reduction over previous years.

Beverly Minor Hockey has paid most of their ice costs for the 2001/2002 except for a balance of $9,357.12. This amount they claim is the difference between the rate they were invoiced for ($102.00 per hour plus GST) and the rate they anticipated to pay ($90. per hour).

Staff is recommending that Council not approve a one time grant to Beverly Minor Hockey to cover the cost of the outstanding invoice for ice. Although the minutes of the Committee of the Whole did not specify what the rates for those associations who were above $90 (i.e. Flamborough groups), the other Flamborough organizations did pay their fees and have not requested a reduced fee. Staff feel that if Council were to grant a one time grant to Beverly Minor Hockey, the other Organizations would have to be provided with a similar fee reduction.

ANALYSIS OF ALTERNATIVES:

Option A

Council could approve a one time grant to the Beverly minor Hockey Association to cover the $9,357.12. balance including GST outstanding. This would close the outstanding balance owed by Beverly for the 2001/2002 season.

The impact of this option is that there are other groups in Flamborough who are subsidized and who should be treated in the same manner as Beverly minor Hockey. This would mean giving up past revenues already received from these groups. Below is an approximation of the dollars that would have to be returned to the other groups.

	Hrs. Rented	Rate Paid	Total Paid	Revised Amt	Refund
Flam. M.Hoc.	1487	$ 102	$163,807.92	$144,536.40	$19,271.52
Flam.Skate	308	$ 102	$ 34,024.12	$ 29,937.60	$ 4,086.52
Rockton Skate	233	$ 102	$ 25.667.28	$ 22,647.60	$ 3,019.68
Carlisle Skate	44.5	$ 102	$ 4,902.12	$ 4,325.90	$ 576.22
				Total Additional Refunds	$26,953.94

Option B

Council could deny the request from Beverly Minor Hockey Association and request that the balance outstanding be paid within an agreed amount of time.

The impact of this option is that Beverly Minor Hockey would be asked to incur an unexpected additional ice charge in the current fiscal year. Although Beverly Minor Hockey has indicated that they could pay this amount, it would mean that they would be dipping into their limited reserves which they state are decreasing at an alarming rate due to other financial hardships.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The financial implications are outlined above and equate to possibly having to refund an additional $26,953.94, would include GST monies already collected and claimed. It should be further noted that this is an outstanding bill for the 2002 financial year.

POLICIES AFFECTING PROPOSAL:

The final decision of Council does affect the approved Ice rates of Council.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Finance Department

CITY STRATEGIC COMMITMENT:

By not approving the request, staff are attempting to support the strategic commitment of a city that spends wisely and invests strategically. However the volunteers within the Beverly Minor Hockey may feel that we are not supporting our commitment of a City where people come first.

CITY WIDE IMPLICATIONS

12.2

CITY OF HAMILTON

Public Health and Community Services
Program Delivery Division, Community Programs Branch

Report to:	Committee of the Whole	**Submitted by:**	Joe-Anne Priel, General Manager
Date:	April 22, 2003	**Prepared by:**	Cathy Buffett (905)546-4811

SUBJECT: **Federal Initiative- Supporting Communities Partnerships Initiatives Part 2 (Community Entity) (SPH00062b) (City Wide)**

RECOMMENDATION:

(a) That the General Manager of the Public Health & Community Services Department be authorized and directed to enter into an agreement with Human Resources Development Canada (HRDC) to become the Community Entity (CE) for the facilitation and administration of projects approved for SCPI II funding, effective immediately.

(b) That the agreement be effective April 1, 2003 until March 31, 2006, barring any performance issues that may warrant changes.

J Priel

Joe-Anne Priel, General Manager
Public Health and Community Services

EXECUTIVE SUMMARY:

In 2000, the Region of Hamilton Wentworth entered into a three-year agreement with HRDC to become the Community Entity (CE) for the facilitation of the Community Plan as a response to the issues of Homelessness for the federally supported Supporting Community Partnerships Initiatives (SCPI) (SPH00062a).

Over the past three years, Hamilton received $12.9M to respond to the growing problem of homelessness. A Community Advisory Board (CAB) was formed in 2000 to review proposals from the community and approve projects for funding that addressed local homelessness needs. As the CE, Public Health and Community Services (PH&CS) staff worked with the sponsoring agencies to implement SCPI recommendations. In addition to this, PH&CS staff administered the funds and monitored the progress of the 47 CAB-approved projects. The city's role as CE has been extended to September 2003 in order to complete some projects that experienced delays in construction or purchases.

Earlier this year, the federal government committed to a three-year renewal of the federal homelessness program (SCPI II), and details are expected to be announced shortly. HRDC staff have begun discussions with PH&CS staff with respect to our interest and capacity in serving as the CE for the new SCPI program.

BACKGROUND:

In 2000, the Region of Hamilton-Wentworth entered into a three-year agreement with HRDC to become the CE for the facilitation of the Community Plan in response to the issues of Homelessness for the federally supported Supporting Community Partnerships Initiatives (SCPI) (SPH00062a). The objectives of SCPI were:

- To alleviate the hardship of those who are homeless (e.g. increasing the number of beds available in shelters either indirectly by providing alternative housing for current long-term shelter residents or directly by providing additional shelter space).

- To promote a "continuum of supports" approach to reducing homelessness.

- To strengthen the capacity of communities to address the needs of homeless people and reduce homelessness by bringing community service providers together to develop plans which address the needs of individuals in a holistic way.

- To promote the development of collaborative processes and broad-based partnerships among all stakeholders, including the private sector, the non-profit sector, the voluntary sector, labour organizations and all levels of government to address the issue of homelessness at a community level.

- To develop a base of knowledge, expertise and data about homelessness and share among all concerned parties as well as the general public.

Locally, Hamilton received $12.9M to address homelessness. HRDC contracted with the Social Planning and Research Council to facilitate the development of a community plan to establish a needs analysis and planning framework for local homelessness initiatives. More than 45 agencies and several hundred persons were involved in the community process to provide the input into the formation of the Community Action Plan on Homelessness. This report was used to write "the Addendum" to the Community Action Plan, which focused recommendations for action that could be funded by SCPI dollars.

CAB was formed in 2000 to serve as the advisory board to review proposals from the community and approve projects for funding that addressed the needs and recommendations from the Addendum. As the CE, PH&CS staff worked with the sponsoring agencies to implement projects, provide funding and monitor progress. Staff also provided administrative support to CAB for correspondence, meetings and communication. As a result of work done over the past 3 years, 47 projects were approved and are currently being monitored by CE staff. The funds have been allocated to projects that fit into three broad categories; capital projects and renovations -

$3.2M) and innovations (14% of funds totalling $1.8M). For more details please refer to the attached Appendix A.

Staff have collaborated with HRDC to develop and approve a revised budget for an "administration extension" of the CE role until September 2003. Approximately 30% of the projects needed to be extended in order to complete construction, purchases, or projects. These delays were attributed largely to problems experienced in the early stages or front-end of SCPI, which included recruitment and assignment of CE staff.

Staff have completed a SWOT analysis of their experience with SCPI I (Appendix B) and have indicated that the community and the city has benefited from the CE role. The lessons that have been learned throughout this 3-year experience will guide practice and functioning for the next 3 years.

It is the Department's recommendation that we assume the role of CE for HRDC with Council's approval. The following rationale supports this recommendation:

- Staff have established program expertise in understanding homelessness and the current gaps.

- Efficiency in program delivery. Currently our staff have familiarity with roles and partnerships that have been established with CAB, HRDC and providers over the past 3 years that facilitates community-wide approaches to homelessness initiatives. This experience should minimize the transition time and resources required to implement SCPI II in comparison to another agency being selected as the CE.

- Connections have been established with community partners including the Food, Shelter and Housing Committee for the purpose of ongoing consultation and collaboration, which will continue to reduce duplicative roles and conflict.

- Corporate connections with related branches/divisions such as housing, licensing, legal and planning services in order to obtain appropriate advice and consult on related matters.

- Established linkages within the PH&CS department and within the Community Programs Branch that provide direct and indirect services to the same client base in order to strategize and co-ordinate approaches (i.e., Residential Care Facilities, emergency shelters, outreach services, mental health case management, ODSP pending, Drug, Alcohol and Gambling Services), as well as program planning and monitoring (Policy Planning Division).

ANALYSIS OF ALTERNATIVES:

There are no viable alternatives. If PH&CS does not assume the ongoing CE role, it would limit our ability to co-ordinate provincial/federal funding initiatives, as it would duplicate agency and community effort in working with all levels of government. The impact of future SCPI programs and services would not be quickly understood, such as operational implications, licensing, per diem funding etc.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Currently, PH&CS has 17 positions funded by 100% SCPI dollars, and 7 of these positions are for the role of CE. If PH&CS does not contract for the role of CE, there would be significant labour relations issues to mediate, including bumping of staff. There would be also be reduced capacity within PH&CS to advise senior staff and council, and reduced ability to provide internal and external consultations, on issues relating to homelessness.

There are no legal implications if the city does not become the CE, as the contract as the current CE would be terminated on September 30, 2003 (following the administrative extension from April 1, 2003).

If the City does become the CE for SCPI II, performance would be monitored by HRDC as per the established agreement, including any required audits.

POLICIES AFFECTING PROPOSAL:

None applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Consultations have occurred with CAB, HRDC, Corporate Legal Services and Finance Departments.

CITY STRATEGIC COMMITMENT:

The continuation of the role of CE for SCPI II will assist the City to achieve the goals and strategies identified in the Strategic Plan of "a City where people come first " by developing a caring community which gives support and opportunity to all of its members.

:CB
Attachs. (2)

Appendix A to SPH00062b
April 2003
Committee of the Whole
Page 1 of 1

FUNDING CONTRIBUTION BREAKDOWN

CAPITAL/RENOVATIONS	PROGRAMS AND SERVICES SUPPORTS	INNOVATIONS
Total # of Projects 11	Total # of Projects 24	Total # of Projects 12
Native Women's Centre/ New Shelter $562,435	Salvation Army Booth Centre/Health Care Evening Clinic $123,164	Family Services, Hamilton/ Temporary Family Shelter (First Family Shelter in Hamilton) $289,570
Salvation Army Booth Centre/ Architect $60,000	Salvation Army Booth Centre/ Soup Van Ministry $89,485	McMaster University School of Nursing/ Towards a Community Action Plan For Health For the Homeless in Hamilton (Research) $125,789
Greater Hamilton Food Share/New Facility Purchase $340,000	Salvation Army Family Services/ Utilities Grant Program $18,350	Greater Hamilton Food Share/ Survey of Food Bank recipients (Research) $44,430
Salvation Army Booth Centre/ Essential Repairs $814,300	Salvation Army Family Services/ Moving and Storage $216,617	Children's Aid Society/ Short term accommodations $67,533
Mission Services/ Purchase and Renovations $575,000	Greater Hamilton Food Share/ Resource development co-ordinator $63,050	McQuestion/SPRC/ Freedom House Report (Research) $19,500
The Bridge/ Purchase and Renovation $114,825	Native Women's Centre/ Emergency Intervention $118,238	Hamilton Urban Core/ ID Clinic $68,500
Wesley Urban Ministries/ Renovations $114,000	Salvation Army Booth Centre/ Caseworker $54,827	Hamilton Housing Corp/ ROOFS Prevention Program Supports $340,000
Wesley Urban Ministries/ Living Rock Youth Shelter $101,686	VHA Homelessness Intervention Team For Older Adults A $182,946 B St Matthews House/ Homeless Intervention Team For Older Adults $251,094	Wesley Urban Ministries and McMaster School of Nursing/ MACDOOR (Youth Project) $383,698
[illegible]sing Help Centre/ 210 Napier St Renovations $81,474	Salvation Army/ Trusteeship Program $64,200	Good Shepherd and Mission Services/ Hostel and Shelter Staff Training $175,118
Good Shepherd Centre/ New Women's Facility-Mary's Place $2,500,000	Good Shepherd Centre/ Trusteeship Program $128,400	Housing Help Centre/ Hamilton Tenant Education Project $116,186
Good Shepherd Permanent Family Shelter $1,000,000	Housing Help Centre/ Caseworker $62,974	Housing Help Centre/ Video "Room at the Inn" $18,650
	Phoenix Place/ Transitional Housing Project $146,182	City of Hamilton/ Community Health Bus $163,908
	Social Planning and Research Council/ Research, Community Co-ordination and Evaluation Services $375,700	
	Wesley Urban Ministries/ Expansion of Drop In Centre to 24x7 $140,000	
	City of Hamilton/ Additional Staff Hostels and Lodgings $201,729	
	SISO, HUCCHC,Housing Help Centre, St Matthews House/ Co-ordinated services $248,800	
	Emergency Shelter Foundation/ Second Stage Services Operations $108,000	
	Mission Services/ Trustee Ship Program $106,108	
	Wesley Urban Ministries/ Caseworker $91,303	
	Family Services, Hamilton/ Second Stage Transitional Housing $140,186	
	Housing Emergency Loan Program/ HELP $120,000	
	Good Shepherd Centres/ Case management men's centre/Mary's Place $112,476	
	Wesley Urban Centre/ Continuation of Drop In to 24x7 $109.400	
[illegible]AL FUNDING $6,263,720 48%)	TOTAL FUNDING $3,273,229 (25%)	TOTAL FUNDING $1,812,882 (14%)

SCPI Entity (JJ&BM) Document drive M b mooney/ reports/Funding contribution breakdown march 03

SCPI
Estimated Loss of Consumer Service and Projected Sustainability - Post SCPI
Feb 17, 2003

Agency Name/ Project Title	Service Provided	Estimated No. of clients affected per year	Service/ Program Sustainable	Diminished Services	Not Sustainable	Comments
Native Women's/New Shelter	• Purchase of land • Portion of construction Costs of New Native Women's Shelter	N/a	N/a			
Salvation Army/Architect	• Architectural drawings for essential repairs to Salvation Army Booth Centre	N/a	N/a			
Housing Help/renovations	• Renovations to Housing Help Centre • Meeting space, accessibility and office work space	N/a	N/a			
Salvation Army/ Health Care Evening Clinic	• On site nurse practitioner at the Salvation. Army Booth Centre	200			No	Agency is pursuing alternate funding sources
Salvation Army/ Soup Van	• Street outreach and food distribution in the downtown core	51,000		Diminished		
Salvation Army/ Utilities Grant Program	• Facilitation of grant application process to share the warmth fund in Toronto	120			No	Agency is pursuing alternate funding sources
Salvation Army/ Moving and storage	• Free moving and storage for of household items and furnishings for the homeless or under housed • Daily storage of personal items for homeless individuals	800 Families			No	Agency is pursuing alternate funding sources
Greater Hamilton Food Share/new facility purchase	• Purchase of larger facility	N/a	N/a			
Hamilton Food Share/resource development co-ordinator	• Staff person hired to focus on resource development and fundraising	N/a	Yes			
Salvation Army/essential repairs	• Essential repairs and renovations to Salvation Army Booth Centre	N/a	N/a			
Native Women's/emergency intervention	• Emergency Voucher Program • Over the counter medications, health hygiene, transportation etc.	3,696		Diminished		
Mission Services/trustee	• Voluntary trusteeship services to the homeless or those at risk of homelessness	142	Yes			
Salvation Army case worker	• Case worker to enhance ability to connect homeless and under housed individuals with permanent housing or to maintain current housing	613			No	Agency is pursuing alternate funding sources
Housing Help/ Solutions to housing SHAC	• Education, outreach and ongoing support to create a better informed tenant population	97		Diminished		

Agency Name/ Project Title	Service Provided	Estimated No. of clients affected per year	Service/ Program Sustainable	Diminished Services	Not Sustainable	Comments
VHA/St Matthews House/homeless intervention team	• Transitional Housing (apartments for homeless seniors and assistance/support in moving to perm. Housing • Support services for Seniors in Hamilton Housing Corp	N/A	N/A (closed)			
St Matthews House/homeless intervention team for older adults	• Transitional Housing (apartments for homeless seniors and assistance/support in moving to perm. Housing • Support services for Seniors in Hamilton Housing Corp.	724			No	**Agency is pursuing alternate funding sources**
McMaster University/towards a community action plan for health for the homeless in Ham	• Survey to compile health needs assessment of the homeless and to create an action plan for health services for the homeless	N/a	N/a			
Hamilton Food Share/ survey of food bank recipients	• Survey of persons accessing local food banks	N/A	N/A			
Children's Aid Society/ short term accommodation	• Short term motel accommodation and cleaning services to prevent children being taken into custody of CAS	75 Families			No	Agency is pursuing alternate funding sources
Housing Help/ Video Room	• Production of 50 minute educational video on the history of rooming houses in Hamilton	N/A	N/A			
Siso/ St Matthews House/ Urban Core/ co-ordinated services	• Co-ordinated approach to the delivery of services to homeless families who are at risk of homelessness through four partner agencies	198			No	**Agency is pursuing alternate funding sources**
Phoenix Place/ transitional housing project	• Increased counselling services to residents of Phoenix Place and outreach counselling to clients of other shelters • Increased fundraising and resource development	241		Diminished		
Housing Help/ caseworker	• Case worker to enhance ability to connect homeless and under housed individuals with permanent housing or to maintain current housing	75		Diminished		
Salvation Army/trusteeship	• Voluntary trusteeship services to the homeless or those at risk of homelessness	63		Diminished		
Mission Services/purchase and renovation	• Purchase of 309 James No. and renovations to existing shelter at 325 James St N.	A) N/a	B) N/a			
SPRC/research and report card	• Facilitate community forums, focus groups	N/a	N/a			

Agency Name/ Project Title	Service Provided	Estimated No. of clients affected per year	Service/ Program Sustainable	Diminished Services	Not Sustainable	Comments
	• Prepare two report cards on evaluation of the SCPI initiatives					
The Bridge/purchase and renovation	• Purchase of and renovations to 317-319 Barton St E to afford transitional housing for ex-inmates	0			No	Unresolved due to ongoing issues regarding zoning and agency's ability to start the project at existing location.
Wesley Urban/see project 124 continuance	• To expand operation of drop in centre to a 24 hour 7 day per week basis	N/a	N/a			
Wesley/smoking room renovations	• Renovations to men's and women's washrooms, addition and creating of ventilated and enclosed area	N/a	N/a			
Good. Shepherd Mary's Place/ new women's facility	• Replace existing Mary's Place Shelter	N/a	N/a			
McQueston/Freedom House Report	• Feasibility Study for persons with disabilities at risk of homelessness	N/a	N/a			
HELP/emergency loans	• Community based revolving loan fund to assist people to maintain housing	163			No	Agency is pursuing alternate funding sources
Urban Core/ID clinic	• Staffing dollars to provide supports, lockers, and assistance to complete applications and cost of replacement of lost or stolen identification	800		Diminished		
Second Stage	• Operation dollars to allow agency to remain in operation while seeking alternate funding partner	120			Yes	
Living Rock/ Wesley	• Construction to provide overnight emergency shelter for 15 youth per night	3,226		Diminished		
GD She / case management mens centre Mary Place	• Case worker to enhance ability to connect homeless and under housed individuals with permanent housing or to maintain current housing	315		Diminished		
Good Shepherd and Mission Services/ Hostel Shelter staff training	• Training for shelter and second level housing staff in the City of Hamilton	93			No	Agency is pursuing alternate funding sources
Ham Housing/ Roofs	• Establish Peer Support group, group activities to enhance social skills to reduce and prevent incidents of eviction	288			No	Program will be discontinued
Wesley Drop In	• To expand operation of drop in centre to a 24 hour 7 day per week basis (2nd part)	32,000		Diminished		
Mac Door/ Gybe McMaster -- Wesley	• To assist street youth to develop life skills and prevent further homelessness	60		Diminished		
Community Health Bus	• Additional staffing and supplies to the community health bus	2,600		Diminished		
City of Hamilton/	• Additional hostel and lodging staff to provide increased and	1,372			No	Services will be

Agency Name/ Project Title	Service Provided	Estimated No. of clients affected per year	Service/ Program Sustainable	Diminished Services	Not Sustainable	Comments
Hostels additional staff	enhances services to individuals who are homeless					discontinued
Second Stage -- Transitional Housing	• Increase the available transitional housing to women and children who are in family crisis	188			No	Agency is pursuing alternate funding sources and exploring fundraising options
Wesley -- Caseworker	• Case worker to enhance ability to connect homeless and under housed individuals with permanent housing or to maintain current housing	381			No	
Good Shepherd. Trustee	• Voluntary trusteeship services to the homeless or those at risk of homelessness	122		Diminished		
Family Services, Temp Shelter	• Ten furnished apartments units for homeless families • 24 hour on call service supports	240			No	Sustainable to Dec 31, 2003 through OW Target Funding. Agency is also pursuing long term alternate funding sources and fundraising options.

Total 100,012

Number of clients who receive SCPI services annually.

- 15 agencies were N/A (Capital, Research and Project Completed)

- 3 Are sustainable
- 15 Not sustainable

SECTION 13

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

13.1

PUBLIC WORKS DEPARTMENT
Waste Management Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 22, 2003	**Prepared by:**	Pat Parker Extension 5252

SUBJECT: Waste Diversion Ontario - Environment Bill of Rights Registry - Notice of the Blue Box Program Plan and Designation of Stewardship Ontario (PW03045) - (City Wide)

RECOMMENDATION:

(a) That the City of Hamilton supports the approval of the Blue Box Program Plan and the designation of Stewardship Ontario; and

(b) That the Minister of Environment be respectfully requested to approve the Blue Box Program Plan and designation of Stewardship Ontario as expeditiously as possible.

(c) That a copy of Council's resolution be sent to the Premier, the members of Provincial Parliament representing the City of Hamilton, Waste Diversion Ontario, the Association of Municipalities of Ontario, and interested industry organizations.

(d) That, should the Province not approve the Blue Box Plan, staff report on the implications and possible solutions to any resulting unfavourable budget variance.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The Blue Box Program Plan and designation of Stewardship Ontario have been posted on the Environmental Bill of Rights Registry for a 60-day commenting period. Approval by the Minister of Environment is necessary to facilitate funding.

If funding commences in June, the financial benefit would be $485,640 for Hamilton in 2003, and approximately $18 million province-wide.

To initiate this funding, it is imperative that the Blue Box Program Plan and Stewardship Ontario be approved expeditiously. This timing may be jeopardized by the call of a provincial election.

It is recommended that Council support the approval of the Blue Box Program Plan and Stewardship Ontario, and the Minister of Environment be respectfully requested to approve the Plan and regulations expeditiously.

BACKGROUND:

Waste Diversion Ontario (WDO) has submitted the Blue Box Program Plan to the Minister of the Environment for approval. On March 21, 2003, the Ministry of Environment posted notice of the Blue Box Program Plan and the regulation for Stewardship Ontario on the Environmental Bill of Rights Registry, inviting public comments to be submitted by May 20, 2003. The initiation of funding under the Waste Diversion Act is contingent on approval of the Plan and regulation.

The purpose of this report is to provide Council with a summary of the contents of the notice, implications to the City, and recommendation on the disposition of the Plan and Regulation.

ANALYSIS OF ALTERNATIVES:

The notice posted on the Environmental Bill of Rights Registry has two components, one being the Blue Box Program Plan, the other the regulation designating Stewardship Ontario as the industry funding organization for the Plan.

The Blue Box Program Plan proposes to pay municipalities up to 50% of their net blue box program costs, based on successful diversion programs and cost efficiencies. The Blue Box Program Plan is to be funded by industry stewards. The Plan includes a number of operational sections that deal with materials to be included, program implementation and activities, the funding model, and rules for industry.

The regulation proposes to designate Stewardship Ontario as the industry funding organization. Stewards are "brand owners or first importers of products" that are defined as blue box materials.

Approval of the Blue Box Program Plan and the regulation designating Stewardship Ontario will provide the City with a significant source of funding to offset the cost of the recycling program, particularly with the anticipated increase in materials as a result of the current re-launch of the program and the addition of materials.

The City of Hamilton has budgeted $485,640 in WDO funding for 2003. This is based on the assumption that funding would commence in June. This remains possible, however it is imperative that Blue Box Program Plan and regulations be approved expeditiously. The financial impact on Provincial Blue Box Programs would be approximately $18 million for the period June to December 2003.

There is also the possibility the call of a provincial election may jeopardize any WDO funding in 2003.

Therefore it is recommended that Council support the Blue Box Program Plan and the regulation to designate Stewardship Ontario. It is also recommended the Minister of the Environment be respectfully requested to expedite his approval of the Plan and regulations, so the funding to municipalities can commence to facilitate improvements to blue box programs.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The financial implications to the City are addressed in the Analysis of Alternatives. Failure by the Province to implement the Blue Box Program Plan may result in an unfavourable budget variance of up to $485,460.

POLICIES AFFECTING PROPOSAL:

The policies directly affecting waste diversion programs are those in the Solid Waste Management Master Plan. The approval of and funding through the Waste Diversion Act support and assist in the implementing several of the Master Plan recommendations, including:

- Contributing to the optimization of the capacity of the Glanbrook landfill by removing the recyclables from the waste stream;
- Contributing to the 65% diversion target by 2008;
- Implementation of components of the waste management system as soon as possible based on diversion potential and operational viability;
- Supporting continuous improvement to the waste management system; and
- Lobbying the federal and provincial governments to do what is in their power to support municipalities with waste management programs through legislation, funding and fiscal policy; and in the short-term requesting the province to approve Bill 90 as soon as possible.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Waste Management staff has consulted with the Solid Waste Master Plan Steering Committee and the Finance staff, who both support the recommendations in this report.

CITY STRATEGIC COMMITMENT:

Hamilton's Mission, Vision, Values and Goals Statement

Approval of and funding through the Waste Diversion Act would contribute to the development and enhancement of the City's waste diversion programs, which would be consistent with Hamilton's Mission, Vision, Values and Goals Statement.

Effective solid waste management, including public space recycling, encompasses policies and actions that support the City's vision for "...a safe, healthy, sustainable community...". The reduction and diversion of waste preserve the life of and sustain the landfill for use further into the future.

Funding programs contribute to fiscal responsibility, in that, providing for diversion program development and implementation, and sustaining the life of the landfill.

The approval of and funding from Bill 90 fulfils several of the goals for the City, including:

- VISION 2020 (to be addressed below);
- A healthy, safe and green City;
- Reducing waste going to the landfill;
- Benchmarks and performance measurement, of waste diversion programs; and
- Best practices – best value, balance service provision and programs with long term benefit of landfill life.

Sustainable Development – VISION 2020

Opportunities to finance and improve waste diversion programs, including recycling contribute to fulfilling the goal of managing waste safely and responsibly. It is also consistent with several of the specific Strategies for a Sustainable Community for Reducing and Managing Waste, including a comprehensive waste management plan that focuses on the reduction of curbside waste and the diversion of waste for reuse and recycling, and enhancing diversion programs and increasing participation.

CITY WIDE IMPLICATIONS

13.2

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 22, 2003	**Prepared by:**	Rick Gadawski Extension 3919

SUBJECT: Beckett Drive - Temporary Closure (PW03040) - (City Wide)

RECOMMENDATION:

That the closure of Beckett Drive on Saturday, May 24, 2003 and Sunday, May 25, 2003 from 8:30 a.m. to 3:00p.m. to accommodate tree maintenance activities by City Forestry staff be approved.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

A temporary closure of Beckett Drive is required to facilitate the performance of tree maintenance activities by city forestry staff. The work is required to effect the removal of dead trees and limbs to avoid potential failure and resulting roadway hazards during the approaching summer storm season. The closure plan has been developed in consultation with affected sections and will be supported by traffic operations staff to ensure minimal inconvenience to the public and maintain unrestricted access for police, emergency vehicles and buses.

BACKGROUND:

The information/recommendations contained within this report primarily affect Wards 1 and 8 with City wide implications.

In 1998, City of Hamilton Forestry staff removed approximately fifty dead Elm trees adjacent to the travelled portion of Beckett Drive. With the exception of emergency service and HSR vehicles, Beckett Drive was closed for two weekend days to vehicular and pedestrian traffic from the hours of 8:30 a.m. to 3:00 p.m.

Inspections by Forestry staff along this access have revealed a need for immediate tree maintenance and removal on those trees that are in close proximity to the travelled portion of the road. Forestry staff has identified approximately 30 Elm trees that are dead. The trees range in size from 14 inches to 30 inches in diameter. With the upcoming storm season approaching, performing tree maintenance at this time will aid in reducing the incidence of failed trees or limbs should a storm event occur.

Beckett Drive has narrow shoulders, making it impossible to set up an aerial device along the side of the road, without blocking a lane. Closing the access to perform forestry work would ensure staff safety and increase efficiency.

The Public Works Department will install warning signs one week prior to the closure. Additionally, staff will install a detour along Fennell Avenue, West 5th Street, Aberdeen Avenue, Herkimer Street and James Street South. All emergency services and HSR vehicles will be notified of the closure. Fire, Emergency Services, and HSR have been assured that a lane and a half will remain open for emergency vehicles and buses. Hamilton Forestry staff will post "Road Closure" signs at the intersections of Queen Street and Aberdeen Avenue and at Fennell Avenue and Garth Street.

Traffic control persons would be situated at both the top and the bottom of the access to inform pedestrian and vehicular traffic of the closure and to suggest alternate routes. They will also act to inform front line staff of approaching emergency service and HSR vehicles.

Should a storm event occur on the proposed closure dates, the tree maintenance would be scheduled for the following weekend.

ANALYSIS OF ALTERNATIVES:

As an alternative, the required work could be performed during the regular work week with only a single lane closure and controlled alternating single lane access. While avoiding staff overtime costs, this scenario would create significant traffic delays for regular traffic including buses, police, and emergency vehicles, thereby compromising public satisfaction, and safety.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

City of Hamilton Forestry staff would perform this tree maintenance on scheduled weekend overtime. This guarantees staff availability to perform the required forestry work within the narrow time frame. Beckett Drive maintenance was not scheduled for in the 2003 operating budget. That being said, however, there is an overtime operating budget for unplanned work outside of the current grid program due to the high tree mortality rate along this access.

POLICIES AFFECTING PROPOSAL:

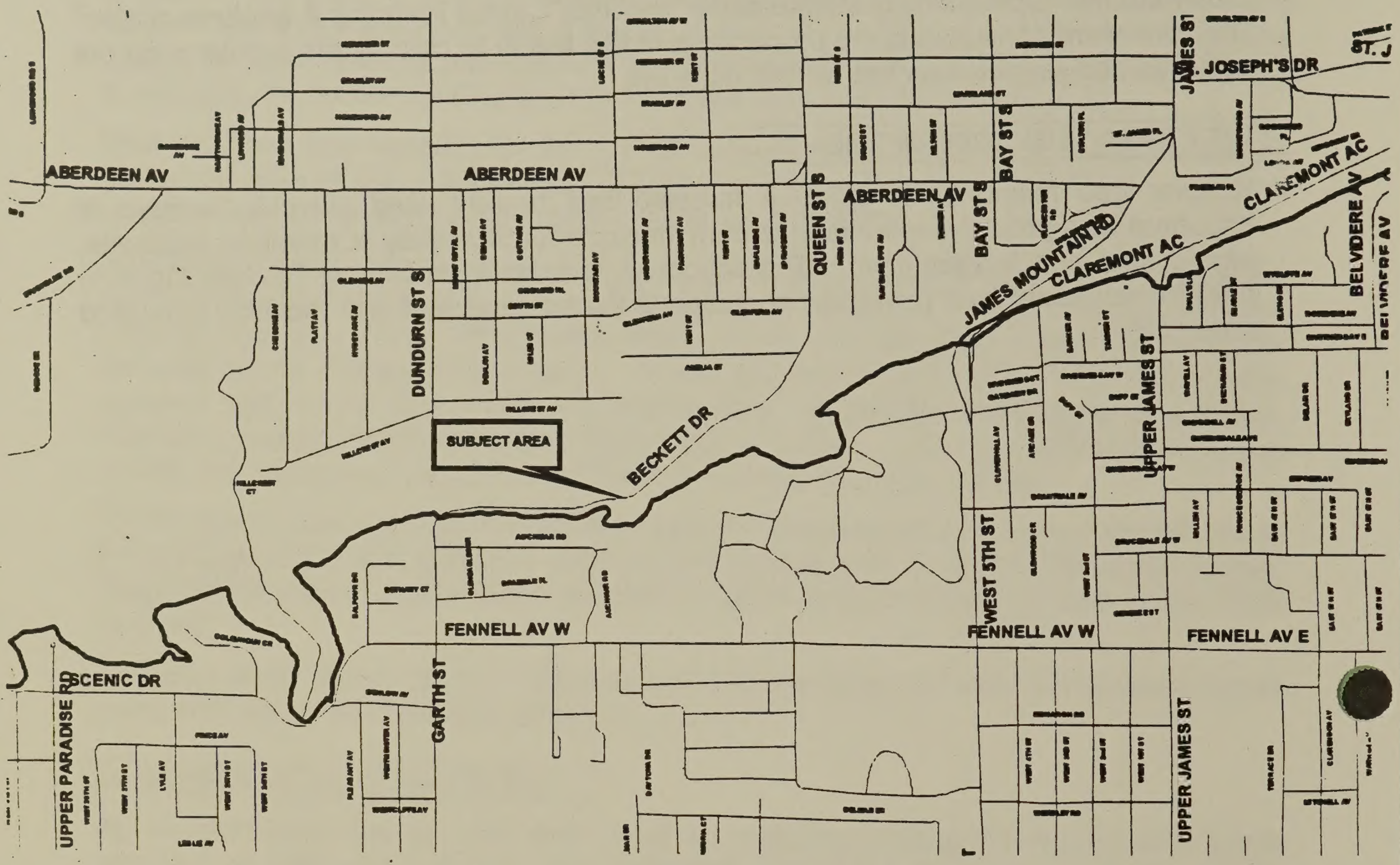
N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Staff from the "Operations & Maintenance" and the "Capital Planning & Implementation" Divisions were consulted in the preparation of this report to co-ordinate regular program activities and support services for this initiative.

CITY STRATEGIC COMMITMENT:

Regular tree maintenance along a forested and heavily used vehicular access is important as a proactive risk management measure for the safety of travelling motorists, pedestrians and forestry staff. The proposed temporary closure of Beckett Drive to perform scheduled tree maintenance supports the achievement of a “healthy, safe, and green City”.


ABERDEEN AV
ABERDEEN AV
ABERDEEN AV
JAMES ST S
ST. JOSEPH'S DR
ST. J
BAY ST S
BAY ST S
QUEEN ST S
DUNDURN ST S
JAMES MOUNTAIN RD
CLAREMONT AC
CLAREMONT AC
BELVIDERE AV
BELVIDERE AV
SUBJECT AREA
BECKETT DR
UPPER JAMES ST
WEST 5TH ST
FENNELL AV W
FENNELL AV W
FENNELL AV E
GARTH ST
SCENIC DR
UPPER PARADISE RD
UPPER JAMES ST

Wards 1 and 8
Beckett Drive

City Of
HAMILTON
Public Works Department

General Manager: Peter Crockett

Date: April 8, 2003

AFFECTS WARD 4

13.3

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 22, 2003	**Prepared by:**	T. Clayton Extension 5675

SUBJECT: **All-Way Stop Request - Dunsmure Road at Graham Avenue North (PW03044) - (Ward 4)**

RECOMMENDATION:

That the existing eastbound and westbound stop control on Dunsmure Road at Graham Avenue North be retained and that the resident's request for the installation of an "all way" stop at this intersection be denied.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

Councillor Sam Merulla forwarded a request from an area resident, that an all-way stop control be implemented at the intersection of Dunsmure Road and Graham Avenue North.

The intersection was reviewed focusing on such factors as collision history, visibility at the intersection, traffic/pedestrian volumes and existing stop control patterns of the surrounding intersections. The vehicular and pedestrian volumes were found to be relatively low, such that this intersection does not meet the criteria for all-way stop control as approved by City Council. Records indicate that there have been two reported collisions at this intersection in the past three years.

Therefore, based on the review of the intersection, it is recommended that the existing eastbound and westbound stop control on Dunsmure at Graham be retained.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 4.

Staff received a request from an area resident, forwarded through Councillor Merulla's office, for all-way stop control at the intersection of Dunsmure and Graham.

Currently, eastbound and westbound traffic on Dunsmure is required to stop for northbound and southbound traffic on Graham. Pedestrian and vehicular volumes at this intersection were found to be relatively low and pedestrians experienced no delays in crossing the intersection. The operating speed (85th percentile) on Graham is 42km/h, which is 8km/h under the posted speed limit of 50km/h.

There have been two reported collisions at the subject intersection in the past three years. Both collisions involved motorists on Dunsmure that either failed to yield the right-of-way (disobeyed traffic control) to southbound traffic on Graham. Staff checked visibility of oncoming traffic and determined that there is adequate sight distance for the eastbound and westbound motorists looking north and south on Graham. Thus, visibility and driver safety is satisfactory.

Traffic on Graham is required to stop one block north at a stop control and one block south at a traffic control signal of the subject intersection. An additional stop in this section would be very restrictive and will often lead to disrespect and poor compliance at stop controls.

Therefore, in view of the above, staff recommends that the existing eastbound and westbound stop control on Dunsmure at Graham be retained.

ANALYSIS OF ALTERNATIVES:

The following options are available to the resident to address concerns regarding motorists' poor driving habits:

- Participate in the Neighbourhood Speed Watch Program
- Report aggressive drivers to the Hamilton Police Services Road Rage Hotline
- Request enforcement from the Hamilton Police Services

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

All-way stop control at the subject intersection is not supported by the City Council approved policy entitled the "Installation Policy for All-way Stop Control at Intersections".

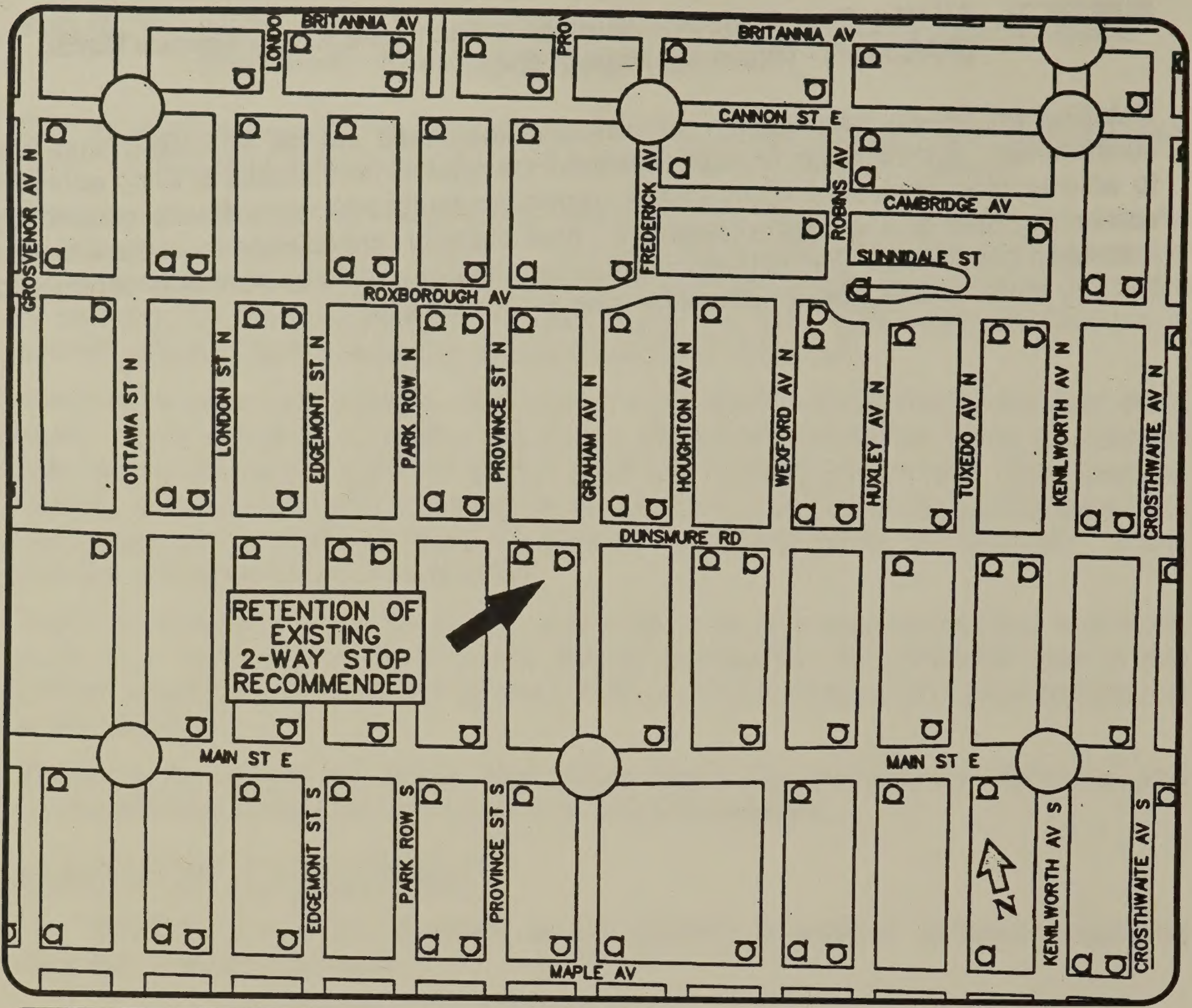
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

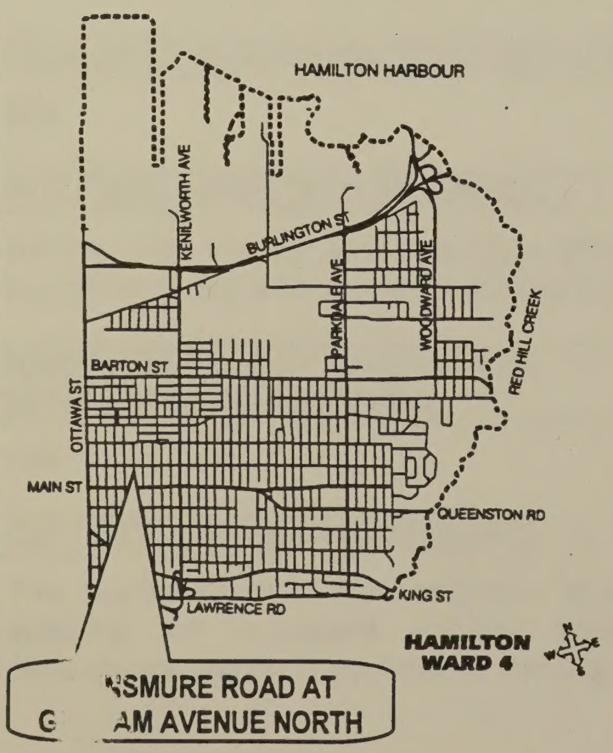
CITY STRATEGIC COMMITMENT:

The overall effect of the installation of an unwarranted all-way stop control allows the potential for increased collision occurrences with other vehicles, cyclists and pedestrians, which is contrary to the City of Hamilton's goal of improved public safety.

Installing an all-way stop control will result in increased vehicle emissions and fuel consumption. It is common for staff to receive complaints from residents living adjacent to all-way stop controlled intersections, regarding increased noise levels caused by screeching tires and vehicle acceleration, poor stopping compliance by motorists and increased congestion. The installation of unwarranted all-way stop control is contrary to the City of Hamilton's goal for a healthy, safe and green city.


BRITANNIA AV
LONDO
PROV
BRITANNIA AV
CANNON ST E
FREDERICK AV
ROBINS AV
CAMBRIDGE AV
SUNNIDALE ST
GROSVENOR AV N
ROXBOROUGH AV
OTTAWA ST N
LONDON ST N
EDGEMONT ST N
PARK ROW N
PROVINCE ST N
GRAHAM AV N
HOUGHTON AV N
WEXFORD AV N
HUXLEY AV N
TUXEDO AV N
KENILWORTH AV N
CROSTHWAITE AV N
DUNSMURE RD
RETENTION OF EXISTING 2-WAY STOP RECOMMENDED
MAIN ST E
MAIN ST E
EDGEMONT ST S
PARK ROW S
PROVINCE ST S
KENILWORTH AV S
CROSTHWAITE AV S
N
MAPLE AV

KEY MAP


HAMILTON HARBOUR
KENILWORTH AVE
BURLINGTON ST
PARKDALE AVE
WOODWARD AVE
RED HILL CREEK
BARTON ST
OTTAWA ST
MAIN ST
QUEENSTON RD
KING ST
LAWRENCE RD
HAMILTON WARD 4
NSMURE ROAD AT
G AM AVENUE NORTH

LOCATION PLAN

ALL-WAY STOP CONTROL REQUEST:
DUNSMURE ROAD AT GRAHAM AVENUE NORTH
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
◗	STOP SIGN	⊃	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN
◆	ROUNDABOUT	◇	ROUNDABOUT

SCALE
NOT TO SCALE

DATE
2003-04-22

REFERENCE FILE NO: PW03044

AFFECTS WARD 6

CITY OF HAMILTON

13.4

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 22, 2003	**Prepared by:**	Chris van Berkel Extension 5663

SUBJECT: Request to Lower the Speed Limit on Upper Gage Avenue Between Rymal Road East and Anna Capri Drive (PW03039) - (Ward 6)

RECOMMENDATION:

(a) That the speed limit on Upper Gage Avenue between Rymal Road East and Anna Capri Drive be set at 50 km/h.

(b) That the by-law outlined in Report PW03039 as Appendix A to amend the City of Hamilton By-law 01-215 be passed and enacted.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

Staff has received a request through Councillor Tom Jackson to lower the speed limit on Upper Gage Avenue between Rymal Road East and Anna Capri Drive. The existing speed limit on Upper Gage, north and south of subject section of roadway, is 50 km/h, while the subject section is 60 km/h.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 6.

Staff received a request through Councillor Tom Jackson's office, that the speed limit on Upper Gage between Rymal and Anna Capri be lowered to 50 km/h. This section of road has a posted speed limit of 60 km/h. The speed limit on Upper Gage, north of Anna Capri, and south of Rymal is 50 km/h.

The roadway has a straight alignment with good visibility. One of the key elements of the City of Hamilton's Speed Limit policy is driveway density. The driveway density between Rymal and Anna Capri is similar to Upper Wellington, Upper Wentworth and Upper Ottawa, all of which have speed limits set at 50 km/h. Staff has determined that it would be appropriate to extend the 50 km/h zone on Upper Gage southerly to Rymal. As mentioned, the remaining section, south of Rymal is already set at 50 km/h. Therefore, staff recommends that the speed limit on Upper Gage between Rymal and Anna Capri be set at 50 km/h.

ANALYSIS OF ALTERNATIVES:

An alternative would be to take no action. However, the objective of setting a speed limit is to provide a speed limit that the majority of motorists will respect and obey with minimal police enforcement.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in regular current accounts to cover the cost of manufacturing, erecting and maintaining the required signs.

POLICIES AFFECTING PROPOSAL:

The subject recommendations are in keeping with the approved policy for "Setting Speed Limits on City of Hamilton Roadways".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

Properly set speed limits promote safety. If drivers encounter the same type of conditions under a given speed limit and there are few surprises, compliance and safety will be increased. Properly set speed limits will also increase driver respect for all types of signing and associated regulations, which could result in increased overall road safety.

Another advantage of optimally set speed limits is credibility. If the majority of speed limits make sense to drivers, there is a better chance of getting drivers to react to lower speed limits where there truly are issues of safety requiring lower speeds. Thus, it is important not to set speed limits below what the typical driver considers to be realistic. Not only will an individual speed limit be ignored, but also it lessens the likelihood of other speed limits being obeyed.

Appendix "A"

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 2 (Speed Limits) of By-law No. 01-215, as amended, is hereby further amended by deleting from Subsection "1" of Section "G" thereof the following item, namely:

   "Upper Gage   Anna Capri   Rymal Road   60"

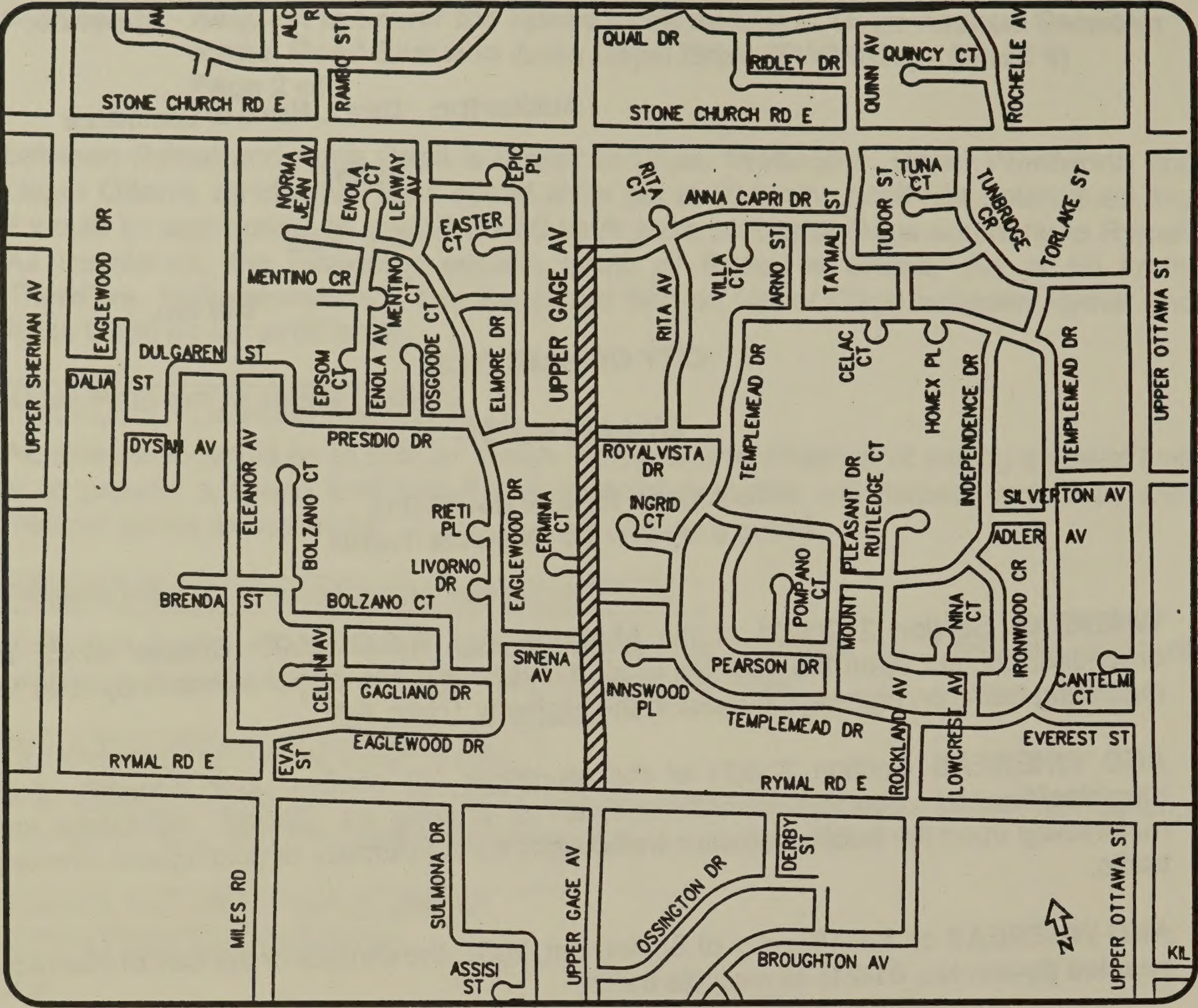
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

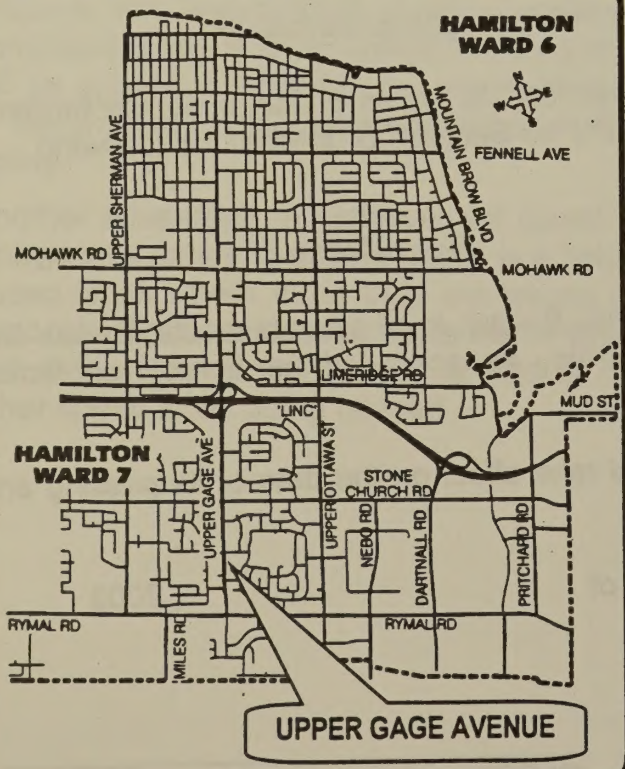
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


STONE CHURCH RD E
RAMBO ST
QUAIL DR
RIDLEY DR
QUINN AV
QUINCY CT
ROCHELLE AV
STONE CHURCH RD E
NORMA JEAN AV
ENOLA CT
LEAWAY AV
EPIC PL
EASTER CT
RITA CT
ANNA CAPRI DR
ST
TUDOR ST
TUNA CT
TUNBRIDGE CR
TORLAKE ST
EAGLEWOOD DR
MENTINO CR
MENTINO CT
UPPER GAGE AV
RITA AV
VILLA CT
ARNO ST
TAYMAL
UPPER SHERMAN AV
DULGAREN ST
EPSOM CT
ENOLA AV
OSGOODE CT
ELMORE DR
TEMPLEMEAD DR
CELAC CT
HOMEX PL
INDEPENDENCE DR
TEMPLEMEAD DR
UPPER OTTAWA ST
DALIA ST
DYSAN AV
PRESIDIO DR
ROYALVISTA DR
PLEASANT DR
RUTLEDGE CT
ELEANOR AV
BOLZANO CT
RIETI PL
EAGLEWOOD DR
ERMINA CT
INGRID CT
SILVERTON AV
ADLER AV
LIVORNO DR
POMPANO CT
MOUNT
NINA CT
IRONWOOD CR
BRENDA ST
BOLZANO CT
CELLINI AV
SINENA AV
PEARSON DR
CANTELMI CT
GAGLIANO DR
INNSWOOD PL
ROCKLAND AV
LOWCREST AV
TEMPLEMEAD DR
EVEREST ST
EAGLEWOOD DR
RYMAL RD E
EVA ST
RYMAL RD E
MILES RD
SULMONA DR
UPPER GAGE AV
DERBY ST
OSSINGTON DR
BROUGHTON AV
UPPER OTTAWA ST
ASSISI ST
N
KIL

KEY MAP


HAMILTON WARD 6
MOUNTAIN BROW BLVD
FENNELL AVE
UPPER SHERMAN AVE
MOHAWK RD
MOHAWK RD
LIMERIDGE RD
MUD ST
'LINC'
HAMILTON WARD 7
UPPER GAGE AVE
UPPER OTTAWA ST
STONE CHURCH RD
NEBO RD
DARTNALL RD
PRITCHARD RD
RYMAL RD
MILES RD
RYMAL RD
UPPER GAGE AVENUE

LOCATION PLAN

RECOMMENDED

SPEED LIMIT CHANGES:
UPPER GAGE AVENUE
FROM RYMAL ROAD EAST
TO ANNA CAPRI DRIVE
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

▨

SUBJECT ROAD

SCALE	DATE
NOT TO SCALE	**2003-04-22**

REFERENCE FILE NO: **PW03039**

AFFECTS WARD 6

CITY OF HAMILTON

13.5

PUBLIC WORKS DEPARTMENT
Capital Planning & Implementation Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 22, 2003	**Prepared by:**	Tim Evans Extension 4396 Chris McCafferty Extension 2320

SUBJECT: **Tree Removal Request - Lupin Avenue from East 43rd Street to East 45th Street (PW03037) - (Ward 6)**

RECOMMENDATION:

That the existing tree, in the boulevard off Lupin Avenue adjacent to 150 East 44th Street be approved for removal to facilitate the provision of a combined walk and curb on the north side of Lupin Avenue in the City of Hamilton.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The removal of (1) one 600mm (24") diameter silver maple tree on Lupin Avenue is needed to facilitate the construction of a combined walk and curb. The tree scheduled for removal is expected to sustain major root damage as a result of the installation of the combined walk and curb. Council approval for the tree removal is being sought at this time to facilitate the proposed construction.

BACKGROUND:

Contract TOE-02-47 (HW) which includes road & sidewalk construction and watermain replacement on East 43rd Street from Mohawk Road East to Seventh Avenue, Eleventh Avenue from East 43rd Street to East 44th Street, and Lupin Avenue from East 43rd Street to East 45th Street was tendered and awarded in accordance with Purchasing Policy No. 6.

This project will serve to upgrade deficient watermain infrastructure, thereby improving the supply of potable water to area residents. In addition to the reconstruction of road and sidewalks on East 43rd Street and Eleventh Avenue combined walk and curb is being constructed on the north side of Lupin Avenue from East 43rd Street to East 45th Street where it previously was not provided. In order to provide a continuous sidewalk facility and channel storm water runoff from the road away from private property the construction of a combined walk and curb is required on Lupin Avenue. In order to complete the combined walk and curb construction, (1) one 600mm (24") diameter silver maple tree requires removal. The tree scheduled for removal is leaning towards the house and is expected to sustain major root damage as a result of the installation of the combined walk and curb. The adjacent homeowner and Ward Councillor have also been consulted and are in agreement with the recommendation. City Forestry staff have provided a condition review of this tree and are in agreement with the removal recommendations in this report. Forestry staff will contact the owners adjacent to the tree prior to any removal.

ANALYSIS OF ALTERNATIVES:

In order to avoid the removal of the tree, the proposed combined walk and curb on the north side of Lupin Avenue would have to be eliminated. The proposed width of road has already been reduced to provide for the combined walk and curb and reduce impact on (2) two other trees. Staff have determined that as a result of the grades of adjacent properties there are no alternative alignments which would mitigate damage to the tree. This means that Lupin Avenue, which is on the border of Hampton Park, will not have a sidewalk on the north side and storm water runoff from the road will continue to drain towards private property.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There is sufficient appropriation in Capital Budget Number 4030119101 (Lupin Avenue – road reconstruction) to fund the cost for the removal of this tree, which is estimated to be approximately $1,200 and the cost for equivalent replacement of $2,700.

POLICIES AFFECTING PROPOSAL:

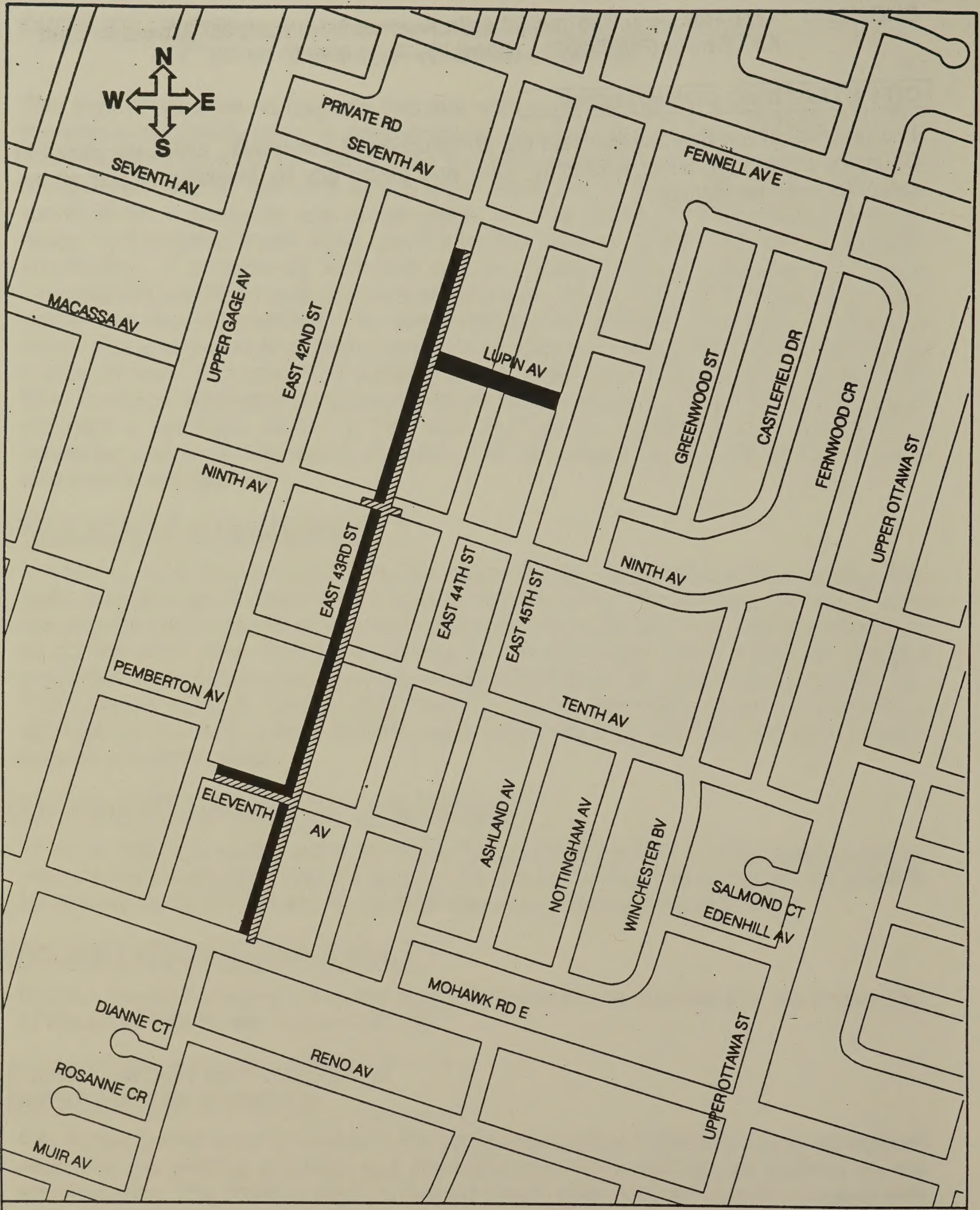
Council approval is being requested in accordance with the provisions of the former City of Hamilton Tree By-law Number 92-155.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

City Forestry staff were consulted in the preparation of this report and are in agreement regarding the existing condition and proposed removal of the tree as outlined on the attached plan. The abutting resident has also been consulted with and is in agreement regarding proposed removal of the tree.

CITY STRATEGIC COMMITMENT:

The removal of the tree will facilitate the construction of a sidewalk, which will assist in Council's strategic goal of a healthy, safe and green city by investing in pedestrian safety for area residents.


N
W
E
S
PRIVATE RD
SEVENTH AV
SEVENTH AV
FENNELL AV E
MACASSA AV
UPPER GAGE AV
EAST 42ND ST
LUPIN AV
GREENWOOD ST
CASTLEFIELD DR
FERNWOOD CR
UPPER OTTAWA ST
NINTH AV
NINTH AV
EAST 43RD ST
EAST 44TH ST
EAST 45TH ST
PEMBERTON AV
TENTH AV
ELEVENTH AV
ASHLAND AV
NOTTINGHAM AV
WINCHESTER BV
SALMOND CT
EDENHILL AV
MOHAWK RD E
DIANNE CT
ROSANNE CR
RENO AV
UPPER OTTAWA ST
MUIR AV

▨ Proposed Watermain Replacement

■ Proposed Road Reconstruction

City of Hamilton

Ward Number 6

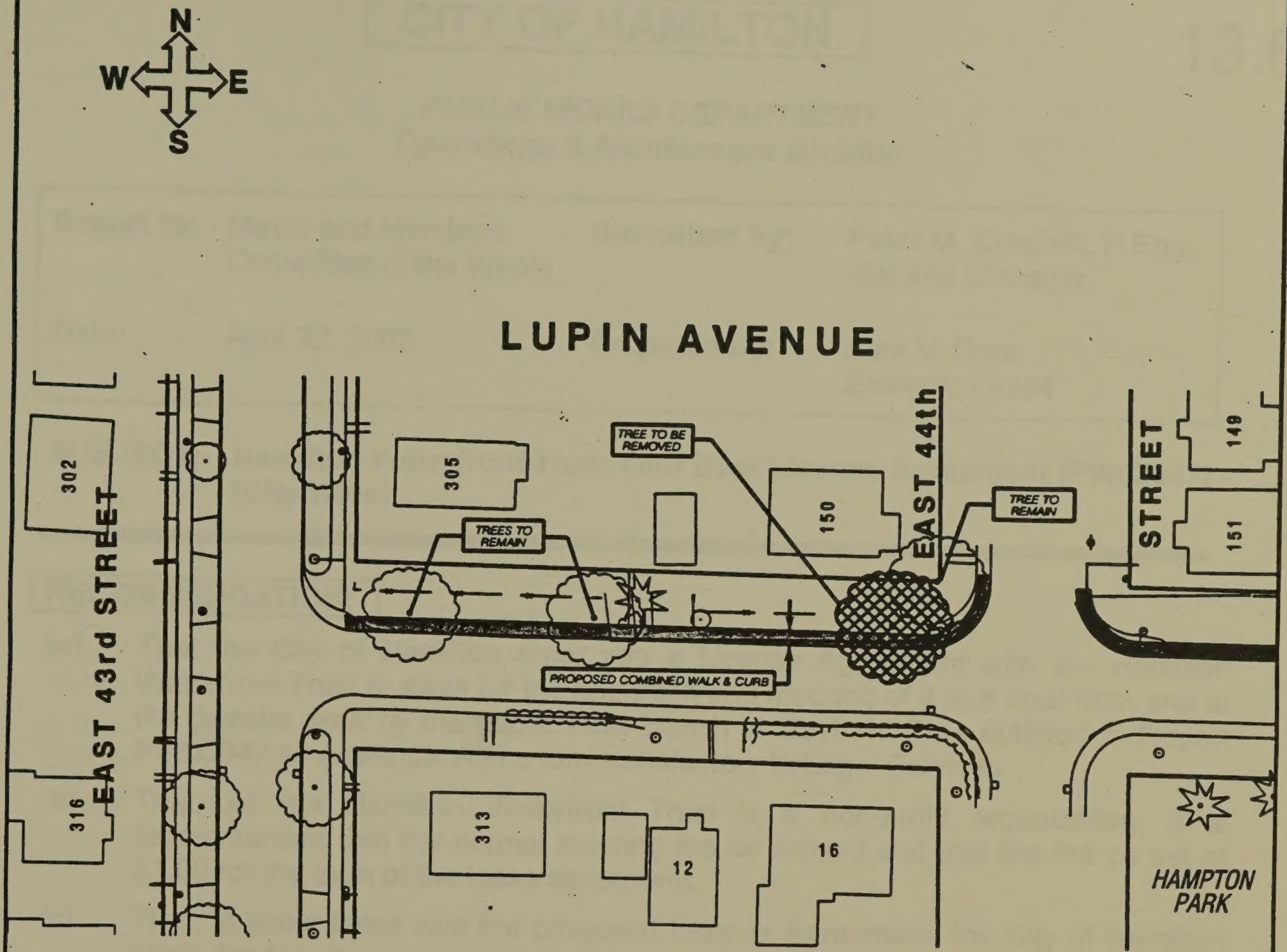
EAST 43rd STREET, ELEVENTH AVENUE, LUPIN AVENUE

Road and Sidewalk Reconstruction,
Watermain Replacement and Sewer Repairs

CITY OF
HAMILTON
Public Works
General Manager, Peter M. Crockett, P. Eng.

DATE: March 3, 2003

CONTRACT No.: TOE-02-47 (HW)


N
W
E
S
LUPIN AVENUE
EAST 43rd STREET
EAST 44th STREET
302
305
150
149
151
316
313
12
16
TREE TO BE REMOVED
TREES TO REMAIN
TREE TO REMAIN
PROPOSED COMBINED WALK & CURB
HAMPTON PARK

■ Proposed Tree Removal

City of Hamilton

Ward 6
Lupin Avenue

Proposed Tree Removal

CITY OF
HAMILTON
Public Works Department
General Manager, Peter M. Crockett, P.Eng.

DATE: April 4, 2003

CONTRACT No.: TOE-02-47 (HW)

CITY WIDE IMPLICATIONS

13.6

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 22, 2003	**Prepared by:**	Alan V. Dore Extension 4334

SUBJECT: **Hamilton Waterfront Trust Tour Boat License Agreement (PW03047) - (City Wide)**

RECOMMENDATION:

(a) That the City of Hamilton enter into a License Agreement with the Hamilton Waterfront Trust to allow for the operation and mooring of a tour boat from and at the gazebo area by the public boat launch at Bayfront Park outlined in Report PW03047 as Appendix A in a form satisfactory to Legal Services.

(b) That, as the Hamilton Waterfront Trust is a non-profit organization, it is recommended that the normal mooring fee be waived and that the fee be set at $1.00 for the term of the lease agreement.

(c) That, in accordance with the proposed Licence Agreement, the City of Hamilton allow for the mooring of the tour boat at the gazebo area by the public boat launch at Bayfront Park during the proposed hours of operation outlined in Report PW03047 as Appendix B.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The Hamilton Waterfront Trust (HWT) approached the Parks Section of Public Works with a proposal to moor and operate a tour boat at and from the gazebo area by the public boat launch at Bayfront Park. Staff has been working in collaboration with the HWT, Risk Management, and Legal Services and Corporate Counsel to develop a license agreement detailing the terms and conditions relative to this venture. The HWT is requesting permission to moor the tour boat at the gazebo area by the public boat launch at Bayfront Park, and that the City waive the mooring fee in the amount of $1092 (2 month fee) annually, for the duration of the term of the agreement (proposed 1 year with 2 possible 1 year extensions) as the Hamilton Waterfront Trust is a non-profit organization. As part of the license agreement, the City will receive an annual sum of $1.00 (plus applicable taxes) for the use of the premises.

BACKGROUND:

The information/recommendations contained within this report have city wide implications.

The HWT has purchased of 28' aluminium Metalcraft Marine boat "Capt. Tenbroeck" outlined in Report PW03047 as Appendix C which will operate commencing on Friday June 07, 2003 until Sunday September 1, 2003 inclusive for a total of 66 operating days in 2003. The boat tours will cover a circuit of approximately 10 kilometres illustrated in Report PW03047 as Appendix D and will take approximately 50 minutes. The boat would be in operation for 10 hours on weekdays and 13 hours on weekends or holidays, for a total of 74 hours during an average week.

The Hamilton Port Authority (HPA) has been very supportive of this initiative, agreeing to provide winter clean-up and storage of the boat, to provide technical expertise in the operation and maintenance of the boat, to assist in the handling of cash (deposits, statements, and remittance to the HWT), and may employ the seasonal staff operating the boat. The HPA has agreed to undertake these services at no cost to the HWT except for the cost of materials, fuel and staffing of the boat, with a review of the operation at the end of the season.

The HWT approached the City of Hamilton Parks Section in February 2003 in the interest of establishing a license agreement, which would allow for the mooring and operation of a tour boat from the gazebo area by the public boat launch at Bayfront Park. The Bayfront Park location would provide ease of access and maximize exposure of this initiative with the purpose of educating and enhancing the experience of Hamilton's citizens who visit the waterfront. Staff are proposing to enter into a license agreement with the HWT to facilitate the implementation of this proposal.

Staff of the Parks Section, in conjunction with Legal Services and Corporate Counsel have established a draft license agreement. The following is a summary of the key clauses contained in the body of the agreement:

- The HWT shall pay an annual License Fee for the use of the premises in the amount of $1.00 plus applicable GST for the term of the lease, as well as a Special Event Fee of $50.00 per special event for the use of the premises during City special events.
- The HWT shall pay all business taxes and all other rates and charges which may be assessed against the premises, all rates and charges for public utilities and waste disposal, and all operating and capital costs incurred. The HWT agrees to use the premises solely and actively during the term of the license for tour boat mooring at and operation of harbour boat tours from the premises, and that any activities shall be in compliance with all governmental, municipal, provincial, and federal laws, by-laws, regulations, directives and controls, and all court orders, judgements and declarations etc.

- The HWT at its own expense, shall obtain all necessary municipal, provincial, federal or other governmental approvals, permits, and licenses to conduct its business, operations and/or activities.
- The HWT must have sufficient liability insurance including Commercial General Liability Insurance and shall have a limit of coverage of not less than $500,000.00 per occurrence or such higher limits as the City may require.
- Insurance policies shall name the City as co-insured and shall include, but not be limited to the following: blanket contractual liability; land and premises liability; occupier's liability; completed operations liability; products liability; owners and contractors liability; non-owned automobile liability; cross-liability and severability of interest provision.
- The HWT agrees that it shall ensure that in any communications, promotions, signage, internet web site information, publications, advertising, press releases, or other forms of communication that there is appropriate acknowledgement of the City's contribution to this venture.

Staff therefore propose that the City enter into a License Agreement with the Hamilton Waterfront Trust to allow for the operation and mooring of a tour boat from and at the gazebo area by the public boat launch at Bayfront Park as per the recommendations of this report.

ANALYSIS OF ALTERNATIVES:

Council could choose to reject the license agreement as proposed. Should this occur, the HWT may seek alternate mooring locations. This may result in the loss of an important opportunity to further promote marina services, and enhance public access to the waterfront and harbour. This may serve to impact future program expansion, development, and revenue generating initiatives relative to the waterfront and the harbour.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial implications are associated with the waiver of the mooring fee (amounting to an annual sum of $1092), and the charge of a Licence Fee of $1.00 annually for the term of the agreement.

The waiving of the mooring fee will not significantly impact revenue shortfalls.

There are no associated staffing or legal implications to this report.

POLICIES AFFECTING PROPOSAL:

There are no policies affected by this proposal.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Hamilton Waterfront Trust, the Hamilton Port Authority, and staff from Public Works (Parks), and Corporate Services (Legal Services and Corporate Counsel, and Risk

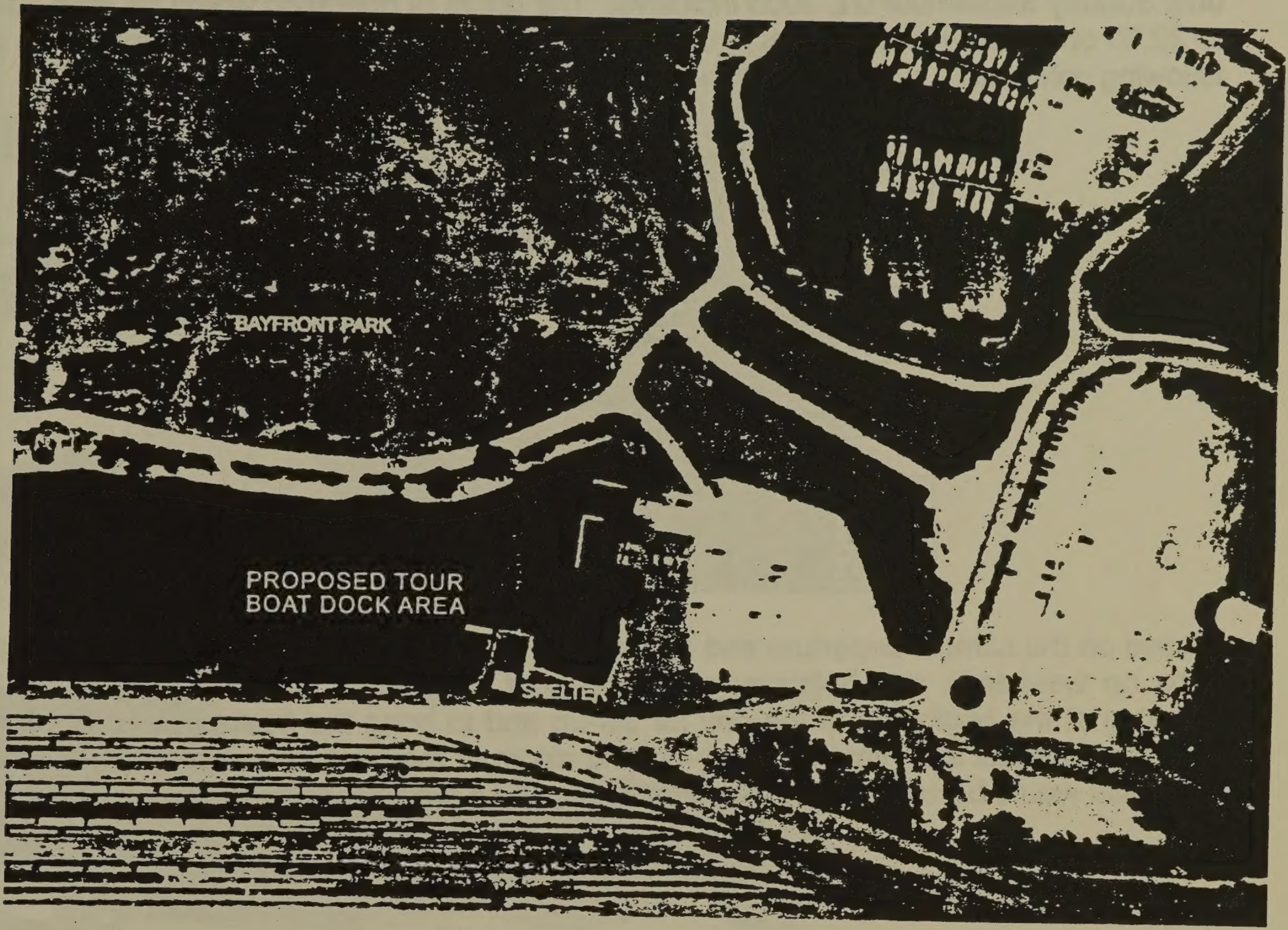
Management), and Economic Development (Hamilton Tourism) were consulted in the drafting of this report.

CITY STRATEGIC COMMITMENT:

The Strategic Goals for the City states that "Council will pursue initiatives at the airport, waterfront and downtown areas to ensure that the benefits of economic development are felt city-wide." The operation of a tour boat on the Hamilton Harbour will serve as a mechanism to attract citizens and visitors to the waterfront and may result in an increase in tourism to the City. Furthermore, Vision 2020 requires that Lake Ontario and the Hamilton Harbour be accessible, safe, and attractive for recreation, and moreover that the City encourages development which makes efficient and economical use of infrastructure and services. The HWT, in conjunction with the City and the HPA are working toward this end. Tourism Hamilton will also promote the Tour Boat service on its website.

Appendix A - PW03047

Aerial Photo of Mooring Location


BAYFRONT PARK
PROPOSED TOUR BOAT DOCK AREA
SHELTER

Appendix B - PW03047

Proposed Tour Schedule

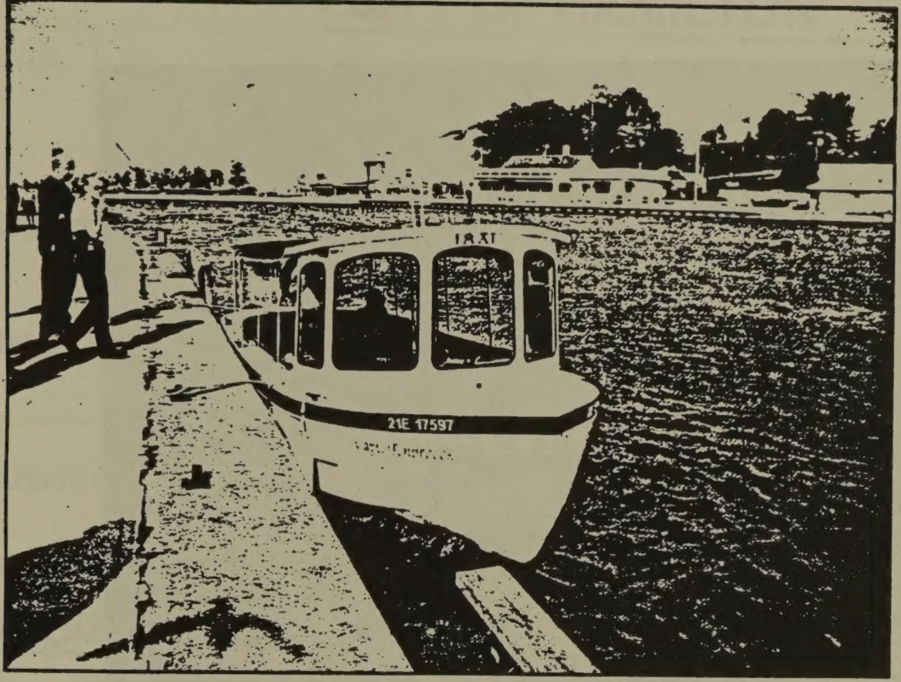
The HWT is proposing to operate the tour boat commencing on Friday June 27, 2003 until Sunday September 01, 2003 inclusive. The hours of operation would be from 13:00 to 20:00 on weekdays and from 10:00 to 20:00 on weekends and holidays based on the following schedule:

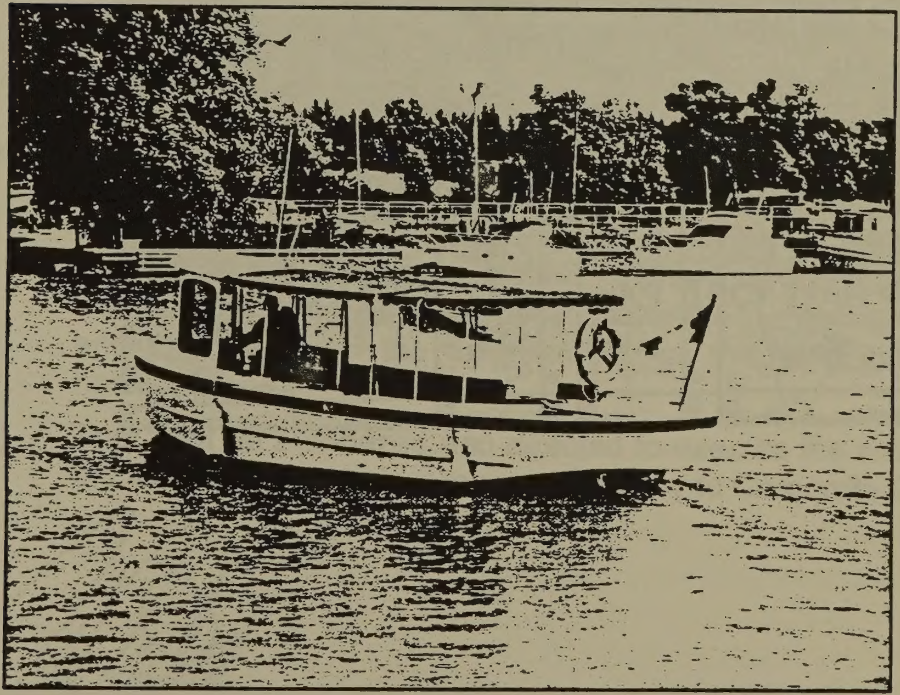
Departure	Arrival	Date
10:00	10:50	Weekends/Holidays
11:00	11:50	Weekends/Holidays
12:00	12:50	Everyday
13:00	13:50	Everyday
14:00	14:50	Everyday
15:00	15:50	Everyday
16:00	16:50	Everyday
17:00	17:50	Everyday
18:00	18:50	Everyday
19:00	19:50	Everyday
20:00	20:50	Everyday

Based on the sample departure and arrival schedule, the tour boat would make 11 daily trips on weekends and holidays, assuming staff start times and finish times are 30 minutes at the beginning of the day for set-up and to bring the boat back to the dock, and after the last tour, time for clean-up and return of the boat for overnight berth. The schedule would be subject to weather conditions and unforeseen mechanical problems.

Appendix C - PW03047

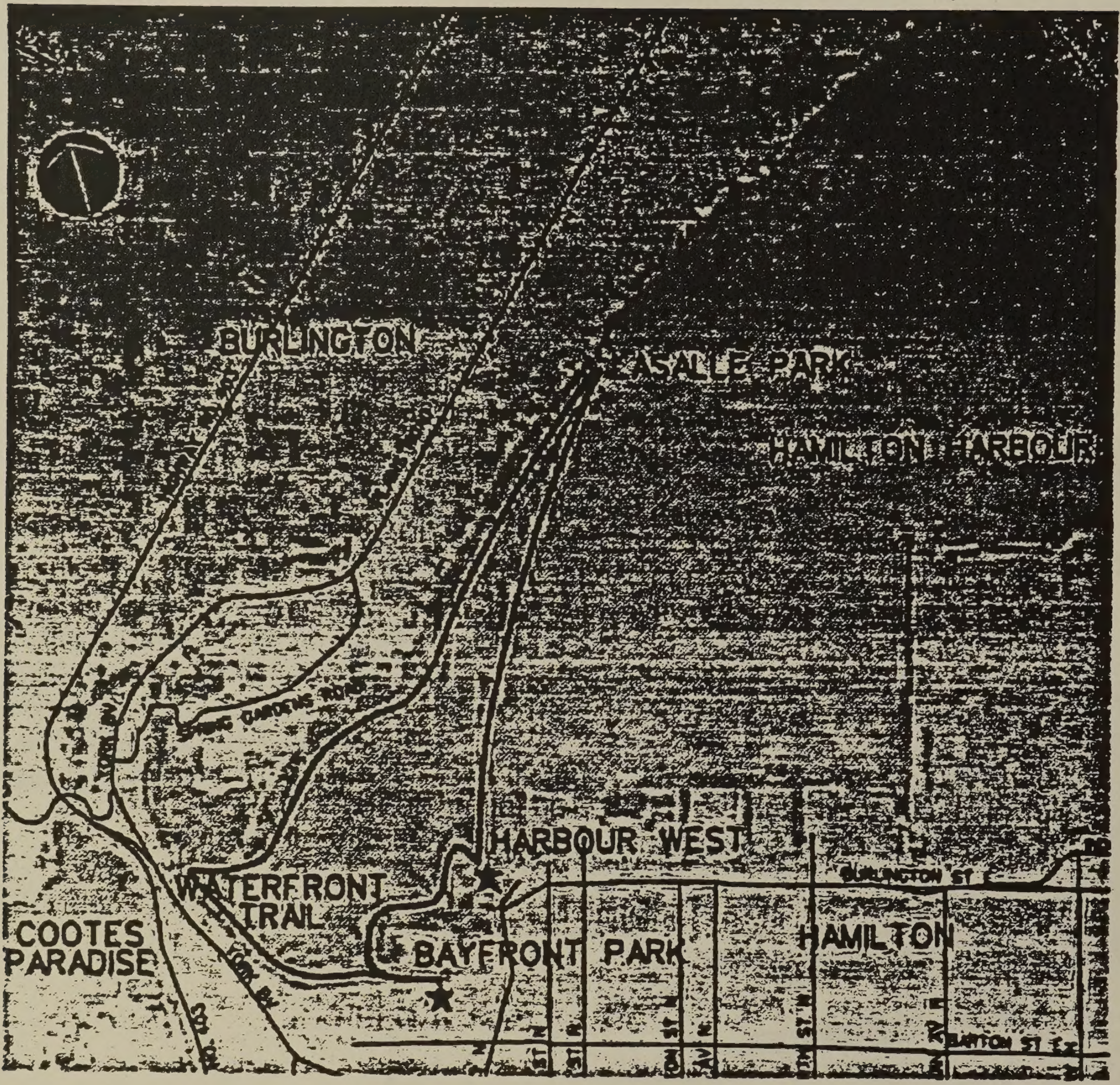
Pictures of the Tour Boat


TAXI
21E 17597



Appendix D - PW03047

Proposed Tour Route


BURLINGTON
LASALLE PARK
HAMILTON HARBOUR
SPRING GARDENS ROAD
YORK BV
HARBOUR WEST
BURLINGTON ST E
WATERFRONT TRAIL
COOTES PARADISE
BAYFRONT PARK
HAMILTON
BARTON ST E

CITY WIDE IMPLICATIONS

13.7

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 22, 2003	**Prepared by:**	Al Dore Extension 4334

SUBJECT: **2003 Aquatic Vegetation Harvesting Program (PW03048) - (City Wide)**

RECOMMENDATION:

(a) That the City of Hamilton, as owner of the lands in the Macassa Basin within the Hamilton Harbour, endorse the applications to the Department of Fisheries and Oceans (DFO) and the Ministry of the Environment (MOE), for the harvesting of aquatic weeds located in and around the Marina Operators (Macassa Bay Yacht Club, Scott MacDonald Marina, and the Hamilton Bay Sailing Club) using herbicides, as requested by the marine operators;

(b) That the City of Hamilton, as owner of lands in the Macassa Basin within the Hamilton Harbour, endorse the use of mechanical harvesting as a preferred first method for aquatic vegetation control in the Harbour West Marina and Royal Hamilton Yacht Club and should mechanical control methods prove ineffective, that the City endorse the applications to the Department of Fisheries and Oceans and the Ministry of the Environment, for the harvesting of aquatic weeds using herbicides;

(c) That staff be authorized and directed to execute the necessary documents and all ancillary documents in a form satisfactory to Corporate Counsel.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The marine operators on the Hamilton Harbour, namely the Macassa Bay Yacht Club, MacDonald Marine, Leander Boat Club, and the Hamilton Bay Sail Club wish to employ

the use of herbicides for the control for aquatic vegetation. The Harbour West Marina, now managed by the City of Hamilton, and the Royal Hamilton Yacht Club will utilize mechanical harvesting methods for the 2003 season. The City of Hamilton will employ the use of herbicide chemical control measures should the mechanical harvesting prove ineffective (as a result of mechanical breakdowns and/or machine/operator availability).

BACKGROUND:

The information/recommendations contained within this report have city wide implications.

The Aquatic Plant Control Stakeholders Group, consisting of members from the Bay Area Restoration Council, Burlington Sailing and Boating Club, Canadian Coast Guard, City of Burlington Parks Department, City of Hamilton Operations & Maintenance Division, Department of Fisheries and Oceans, Fish and Wildlife Habitat Restoration Project, Hamilton Bay Sail Club, Hamilton Harbour Commission, Hamilton Region Conservation Authority, Hamilton-Wentworth Regional Police Marine Unit, LaSalle Park Marina Association, Leander Boat Club, Macassa Bay Yacht Club, MacDonald Marine, Ministry of Environment Pesticide Section, Ontario Ministry of Natural Resources, Ontario Sailing Association, and the Royal Hamilton Yacht Club was established to plan, implement, monitor and evaluate methods of aquatic weed control in the Hamilton Harbour.

For boating associations as well as individual boaters, prolific weed growth can become a serious safety issue. Excessive weed densities prevent recreational use of the waters by clogging boat motors and restricting swimming, and pose safety hazards to anyone using watercourses.

The stakeholder group has identified two dominant measures for weed control: Herbicide control and mechanical control. The following is a brief description of each method of control.

I. Herbicide Control - "Reward"

The stakeholder group, in conjunction with the MOE and DFO has discussed the issue of the application of aquatic herbicides and the impacts to the environment. It was agreed by consensus that the herbicide "Reward" only be applied by a licensed applicator and only in accordance with the conditions set out by the DFO. Areas to be treated have been mapped by the DFO and MOE respectively.

REWARD is a non-selective, highly active contact material, which spreads quickly through the water and makes fast contact with aquatic weeds. It is water-soluble, and is rapidly absorbed by target plants, providing broad-spectrum control of floating, submersed and marginal weeds. Once applied, REWARD diffuses rapidly through the water, is quickly absorbed through the weed's leaf cuticle, and then spreads to other parts of the plant. It acts by interfering with photosynthesis in the plant. The effects of the chemical are first seen on the above-water foliage in bright sunlight within an hour after treatment. Complete control of floating vegetation occurs within one to five days, while submersed weeds require approximately five to fifteen days for control. A copy of the 2002 permit from the DFO is attached hereto and marked as Appendix A.

II. Mechanical Control

Mechanical harvesters are large machines which both cut and collect aquatic plants. Cut plants are removed from the water by a conveyor belt system and stored on the harvester until disposal. Photos attached hereto and marked as Appendix B provide a visual illustration of the harvester engaged in the removal of weeds from the Harbour. Harvesting is usually performed in late spring, summer, and early fall when aquatic plants have reached or are close to the water's surface. Harvesters can cut and collect several acres per day depending on weed type, plant density, and storage capacity of the equipment. Harvesting speeds for typical machines range from 0.5 to 1.5 acres per hour. Depending on the equipment used, the plants are cut to a depth of 5 feet. Along with plants, harvesters also collect a large number of small fish and invertebrates. Amphibians and turtles have been known to be collected as well.

The advantages associated with the harvesting of aquatic weeds include:

1. Immediate results
2. Retention of fish habitats
3. Targeted application
4. Chemical free
5. Material Composting

The disadvantages associated with the harvesting of aquatic weeds include:

A. Multiple harvests may be required for desired control
B. Limited number of local service providers
C. Little or no reduction in plant density
D. Manoeuvrability difficulties in shallow water or around docks
E. Potential collection of small fish and insects
F. Uncollected cut plant fragments may accumulate and decompose on shore
G. Harvesters are expensive to purchase
H. Fluctuating water levels impact the success of weed control

Service delivery through contracted services is supported given that multiple harvests may be required for desired control, that there are a limited number of appropriately equipped contractors, and that harvesters are expensive to purchase.

Aquatic Weed Control Program History

Over the past two years, the stakeholder group has employed the use of both chemical and mechanical control methods. The following describes past practices:

I. 2001 Season

In 2001, the Aquatic Plant Control Stakeholders Group prepared a plan for the control of aquatic vegetation in the Hamilton Harbour marina basins and navigational channels using a combination of mechanical and herbicide control mechanisms. Herbicides were applied to those areas of the Harbour located at Macassa Bay Yacht Club, MacDonald Marine, the Hamilton Bay Sailing Club, Leander Boat Club, and the Royal Hamilton Yacht Club by a licensed applicator. Mechanical harvesting methods were used in the Strachan Channel (City of Hamilton). The total cost for the program was $9,716.67.

The costs were shared between the various marine operators and stakeholders as follows:

Partner	Total
Royal Hamilton Yacht Club	$1155
Macassa Bay Yacht Club	$1066
Hamilton Bay Sail Club	$342
Leander Boat Club	$342
MacDonald Marine	$1386
Hamilton Port Authority	$1327
City of Hamilton	$4098
Totals Cost	**$9716**

Both methods proved effective.

II. 2002 Season

In 2002, the stakeholder group resolved to employ the exclusive use of mechanical harvesting over aquatic herbicides at a cost of $12,716.

The costs were shared between the various marine operators and stakeholders as follows:

Partner	Total
Royal Hamilton Yacht Club	$1430
Macassa Bay Yacht Club	$1341
Hamilton Bay Sail Club	$392
Leander Boat Club	$392
MacDonald Marine	$1736
Hamilton Port Authority	$2327
City of Hamilton	$5098
Totals Cost	**$12,716**

The mechanical harvesting operation began August 7 and was completed on August 16, 2002. There were high water levels during the harvesting, which reduced the cutting depth and subsequently the quantity of weeds harvested. Subsequently, lower water levels, and warmer temperatures significantly reduced the effectiveness of the harvesting works. The marine operators, namely the Macassa Bay Yacht Club, MacDonald Marine, Leander Boat Club, the Hamilton Bay Sail Club were not satisfied with the results of the 2002 mechanical harvesting. The program was not considered a success given the uncertainty of environmental variables.

III. Proposed 2003 Season

Macassa Bay Yacht Club, MacDonald Marine, Leander Boat Club, the Hamilton Bay Sail Club have requested the use of chemical control for the 2003 season, given their dissatisfaction with the results of the mechanical harvesting from the previous year.

The City of Hamilton and the Royal Hamilton Yacht Club are proposing to use the mechanical harvesting method for the 2003 season for the City owned slips at Harbour West and the Strachan Channel. The City and the Royal Hamilton Yacht Club will seek the appropriate permissions from the Department of Fisheries and Oceans, and the Ministry of the Environment for the use of herbicides should mechanical methods fail or prove ineffective. In the 2003 season staff will implement a mechanism for measuring the tonnage of weeds collected.

This program will be compared with the results of the 2001 combined control program as part of the ongoing analysis and evaluation by the Aquatic Plant Control Stakeholders Group.

Application Process

As a requirement of the approval process for both the Ministry of the Environment and/or the Department of Fisheries and Oceans, approval must be provided by the proprietor of those lands where aquatic plant control measures are being implemented. The marine operators occupy lands under the jurisdiction and ownership of the City of Hamilton. Prior to any aquatic plant control measures being implemented, the City must provide the stakeholders, as well as the DFO and MOE with appropriate approvals.

For herbicide applications, a permit is required from the Ontario Ministry of the Environment, under the Fisheries Act. Approximately six weeks should be allowed for the review of any permit. Herbicide applications are restricted to June 30 to July 31.

Mechanical harvesting requires a letter of advice from the Federal Department of Fisheries and Oceans under the Fisheries Act. Again, six weeks should be allowed for review of the permit and mechanical harvesting can occur any time after June 30.

According to the Ontario Ministry of Environment, no permits are required for haulage to landfill or a composting facility for the disposal of aquatic vegetation. If the aquatic vegetation is being stored on site, the Ministry of Environment may require its removal should odour problems occur. The City deposits all aquatic vegetation at the Glanbrook compost facility.

Staff is therefore requesting that Council provide the authorization for the use of herbicide control, applied by a licensed applicator, to ensure that a program of aquatic weed control is implemented for the 2003 season.

ANALYSIS OF ALTERNATIVES:

Exclusive use of aquatic herbicides or mechanical harvesting may be considered.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Costs for the 2003 program should be in close keeping with that of the 2001 program. Funding will be derived from the General Parks Maintenance Contractual Account 444005-55916 and the contributions of the stakeholders and marine operators. It should be noted that the City is solely responsible for those costs arising from the control of aquatic vegetation in those areas which are City-owned and City-operated. These would include the public boat launch area at Bayfront Park, the Strachan Channel, and the City-owned boat slips at the Royal Hamilton Yacht Club. The private marine operators are responsible for financing the removal of aquatic vegetation from their respective areas.

POLICIES AFFECTING PROPOSAL:

The City of Hamilton's Turf Chemical Pesticide Application Policy mandates that all pesticides be applied by licensed applicators, and that management approval is required prior to pesticide applications. The application of aquatic herbicides will be done in accordance with the guidelines of this policy, as they apply to turf.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Department of Fisheries and Oceans, Hamilton Bay Sail Club, Hamilton Harbour Commission, Hamilton Region Conservation Authority, Hamilton-Wentworth Regional Police, Marine Unit, Leander Boat Club, Macassa Bay Yacht Club, MacDonald Marine, Ministry of Environment Pesticide Section, Ontario Ministry of Natural Resources, Ontario Sailing Association, the Royal Hamilton Yacht Club, and staff from Public Health and Community Services were consulted in the drafting of this report.

CITY STRATEGIC COMMITMENT:

The managed use of herbicides and mechanical control will aid in ensuring that the water quality of streams and in the harbour are generally good, and will not adversely harm the health and well-being of Hamiltonians. City Staff, in conjunction with the Stakeholders Group, Department of Fisheries and Oceans, the Ministry of Natural Resources, and the Ministry of Environment, will be monitoring and evaluating the methods used in the harvesting of aquatic vegetation, in the interest of determining which method (either mechanical or chemical) better controls the vegetation in the harbour for the safe operation of the boating stakeholders.

Ministry of Environment and Energy

119 King Street West
12th Floor
Hamilton, Ontario L8P 4Y7
Tel.: 905 521-7640
Fax: 905 521-7820

Ministère de l'Environnement et de l'Énergie

119 rue King ouest
12e étage
Hamilton (Ontario) L8P 4Y7
Tél. : 905 521-7640
Téléc. : 905 521-7820

Ontario

July 8, 2002

PERMIT NUMBER: WH-2-036-02

City of Hamilton
71 Main St. West, 4th Floor
Hamilton, Ontario
L8P 4Y5

Attention Al Dore:

You have applied in accordance with Section 7 of the *Pesticides Act* for a Permit to Purchase a Pesticide and/or Perform a Water Extermination. Approval to you is granted for the following:

Pesticide Product:	**REWARD, PCP # 26271**
Treatment Area:	**1.08 ha (Strachan Channel)** **(0.54 ha less than 1.5 m deep, 0.54 ha greater than 1.5 m deep)**
Rate of Application:	**18.3 L/ha (water depth 1.5 m or less)** **and 25 L/ha (water depth greater than 1.5 m)**
Quantity to be used:	**23.38 L**
Quantity to be purchased:	Licenced exterminator to purchase product.

Do not apply more product than authorized by this permit. You must apply for a permit to use the product in future exterminations.

TERMS and CONDITIONS

You are hereby notified that this approval is issued to you subject to the terms and conditions outlined below:

1. This permit is valid until **December 31, 2002.**
2. All adjacent land-owners, lessees or affected parties must be notified a minimum of 48 hours prior to the commencement of the treatment.
3. A licenced exterminator will apply the herbicide. The permit holder must provide MOEE (905-521-7658) with the name and licence number of the exterminator at least 3 days prior to the extermination.
4. The permit holder must provide a copy of the permit, and its amendments to the licenced exterminator(s) performing the application prior to the commencement of the treatment.
5. As requested by the Ministry of Natural Resources, do not treat before July 1, 2002 to ensure protection of fish spawning and rearing habitats.
6. You are authorized to perform one treatment only.
7. Treat sections of no more than ½ of the total area at a seven day interval to minimize oxygen depletion and the possibility of fish mortality.

8. Immediately PRIOR TO TREATMENT of public or common use areas with Reward, signs must be erected adjacent to the water body to be treated, which sufficiently warn the public against using the water for swimming and animal consumption for one day and human consumption and irrigation for five days. These signs will remain in place until these specified times have elapsed. It is the responsibility of the applicant to ensure that these signs are removed by the sixth day following treatment.

9. Application will be restricted to the surface of the water to minimize weed control below two metres from the water's surface.

10. Within the treatment area's perimeter, a one metre buffer zone will be maintained to protect designated fish habitat.

11. Provide DFO (905-639-4022) and MOEE (905-521-7658) with 3 days notification of the commencement of the treatment.

12. Licenced exterminator to submit Summary Report to MOEE (Hamilton Office) no later than 3 months following the conclusion of the extermination including quantities used and areas treated.

APPEALS and NOTIFICATIONS

Under Section 13(9) of the *Pesticides Act* (RSO 1990) you may make a submission in writing, to the Director under the Act, objecting to the conditions of the permit and upon what grounds the Director should reconsider, vary, rescind or confirm the decision regarding the permit. Within three days of receiving the submissions you will receive notice, together with written reasons, of the Director's decision.

If you are not satisfied with the Director's final decision you are entitled to request a hearing by the Environmental Review Tribunal. The terms and conditions may be appealed by written notice to both the undersigned and to the Environmental Review Tribunal within fifteen days of the receipt of this notice.

This Notice must be served upon:

The Secretary,
Environmental Review Tribunal,
2300 Yonge St., 12th Fl.,
P.O. Box 2382
Toronto, Ontario.
M4P 1E4

AND

The Director,
Section 7(2),
Pesticides Act
119 King St W.
12th Floor
Hamilton, Ontario.
L8P 4Y7

Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal by:
Tel:416/314-4600
Fax:416/314-4506
website: www.ert.gov.on.ca

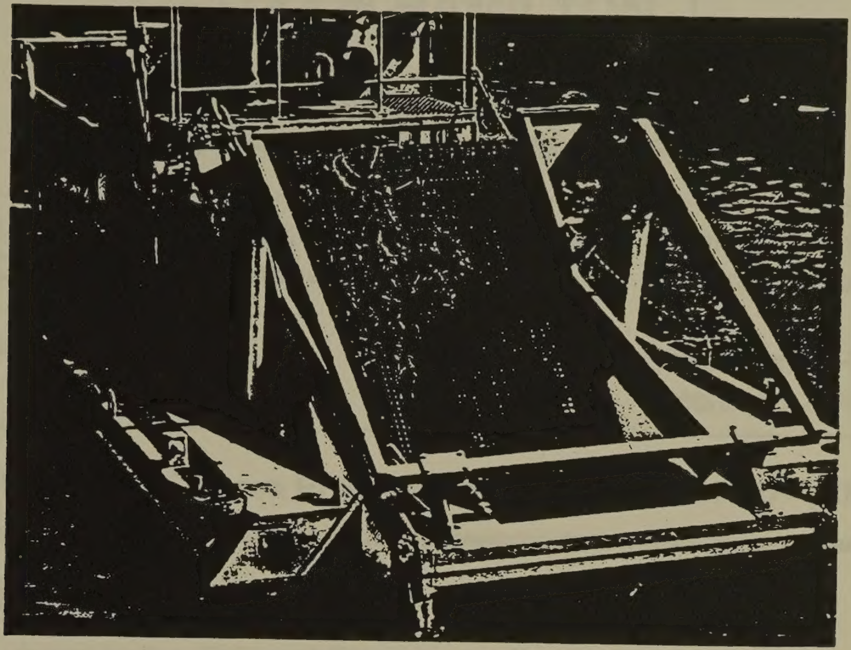
DATED at Hamilton on the 10th day of JULY 2002.

C Slater

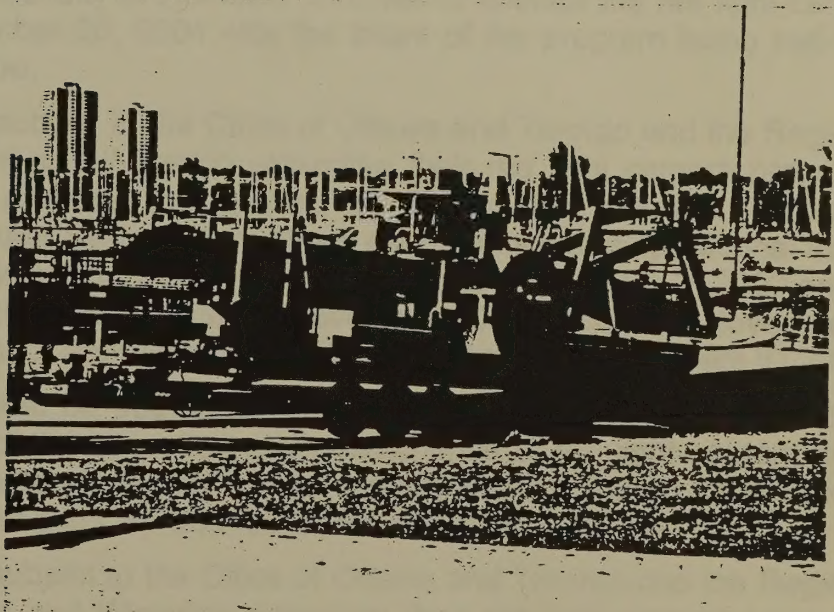
C. Slater
Director,
Section 7(2), *Pesticides Act*

Appendix B - Pictures of the Harvester

Weed Harvester Collecting Aquatic Weeds in the Harbour



Land Shot of Harvester



CITY WIDE IMPLICATIONS

13.8

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 22, 2003	**Prepared by:**	Simon Tam, P.Eng. Extension 2048

SUBJECT: Red Light Camera Program Extension (PW03033) - (City Wide)

RECOMMENDATION:

(a) That, subject to the Cities of Ottawa and Toronto and the Regional Municipalities of Peel and Waterloo extending their red light camera programs for the fourth year, the City of Hamilton continue to operate the red light camera program until November 20, 2004 with the intent of the program being self-financed from fine revenue.

(b) That, subject to the Cities of Ottawa and Toronto and the Regional Municipalities of Peel and Waterloo extending their red light camera programs for the fourth year, approval be granted to extend the previous contract with Affiliated Computer Systems for various maintenance and operational activities associated with the red light camera equipment, approved May 2, 2000 and July 2, 2002, for one additional year from November 2003 through to November 2004 for a total amount of approximately $187,800 to be charged to Dept ID 205071.

(c) That staff be authorized to review options for the extension beyond November 2004 of the operation and maintenance of red light camera system, which may include tendering for a new vendor, with the results of such investigation to be presented to City Council for consideration.

(d) That, subject to the Cities of Ottawa and Toronto and the Regional Municipalities of Peel and Waterloo extending their red light camera programs for the fourth year, approval be granted to extend the contract between the City of Hamilton and the City of Toronto for an additional two years for an approximate amount of $123,200 to be charged to Dept ID 205071 to undertake centralized municipal processing of red light camera offence notices until all notices issued up to November 20, 2004 are processed.

(e) That, subject to the Cities of Ottawa and Toronto and the Regional Municipalities of Peel and Waterloo extending their red light camera programs for the fourth year, approval be granted to extend the operational agreement for an additional two years with the Ministry of Transportation, Ontario, which defines the responsibilities of the City and the Province under the Red Light Camera program, and thereby permits the City of Toronto to obtain motor vehicle registration information necessary to lay charges under this program, on behalf of the City of Hamilton, until all charges issued up to November 20, 2004 are processed, with an approximate cost of $310,300 charged to Dept ID 205071.

(f) That staff be authorized to conduct a public awareness program for the red light camera system in Hamilton at an estimated cost of $50,000 in 2003 and 2004 with that cost being charged to Dept ID 205071.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The red light camera program was started in November 2000 to reduce right angle collisions at traffic signal locations. The program has shown a promising trend toward reduced motor vehicle collisions, thereby improving public safety. The Government of Ontario has extended the original two-year Red Light Camera pilot program for another two-year period, with the program now running until November 20, 2004. Since it requires additional time for processing, the administration part of the program will need to be extended until 2006.

Affiliated Computer Systems (ACS) has been retained to continue the third year (2002 to 2003) of red light camera operation according to Council approved recommendations contained in Report TOE02120. ACS provides camera services such as installation, maintenance, regular rotation and film handling. In order to continue the red light camera program for the fourth year from November 2003 to November 2004, the joint municipal Steering Committee reviewed options and recommends extending the agreements with ACS for the operational services detailed in the RFP for a fourth year (November 2003 – November 2004). This is based on the following:

a) the constraints in Ontario Provincial legislation,
b) the expected completion date for the pilot study report, and
c) the time required to evaluate alternate tenders.

Extending the ACS agreement will avoid disruption of red light camera operations for the fourth year. If the red light camera program is extended beyond Year 4, the Steering Committee will investigate alternatives which may include preparing a tender for a new red light camera system or continuing with Affiliated Computer Systems beyond November 2004. Another report will be submitted with the results of such investigation for City Council consideration.

Since the City owns the red light camera equipment, operational and maintenance costs of the existing sites are the only expenditures to be incurred in the fourth year. After negotiation, ACS has proposed a fee increase for extending a year beyond the original three-year contract. The total estimated ACS fee is $187,800 or a $8,759 (4.9%)

increase over the third year expenditures. This increase is greater than the rate of inflation but it is less than the cost incurred by any other alternative for Year 4.

In addition to the ACS, the City will also need to extend contracts with the City of Toronto for processing of the violation notices and with the Ministry of Transportation, Ontario for the provision of licence plate information.

The red light camera program and its extension have been sustainable because of the joint resources in the planning and execution of the program among the participating municipalities. Staff recommend the program extension for the fourth year be subject to the Cities of Ottawa and Toronto and the Regional Municipalities of Peel and Waterloo extending their red light camera programs as well.

A public awareness program will continue to be conducted during the extended period.

BACKGROUND:

On December 18, 1998, the Red Light Cameras Pilot Projects Act, 1998 (Bill 102) received royal assent. The main objective of the project is to reduce right angle collisions at traffic signal locations thereby improving public safety. The act amended the Highway Traffic Act to enable municipalities for a period to use evidence obtained from red light cameras to issue violation notices. The legislation limited the pilot program to two years of actual operation beginning in November 2000. There are six municipalities in Ontario which have been designated by the Ministry of Transportation, Ontario to participate in the pilot program. These are the Cities of Hamilton, Toronto and Ottawa, and the Regional Municipalities of Halton, Peel and Waterloo.

As outlined in Report TOE02120, part of this pilot project is to assess and evaluate "before and after" study results. While the initial study results will be out soon, the full pilot project evaluation report is now expected to be completed in June 2003. In November 2002, Bill 149 was proclaimed by Lieutenant Governor to extend the pilot program to November 2004 to give more time to assess these results. However, the existing contract with ACS services allowed the pilot project to continue only one more year, into the third year of operation, without interruption.

At the present, legislative authority exists only for camera operation until November 2004. As identified in Report TOE02120, there are two options for camera operation for the fourth year of the program, either to request a proposal from ACS regarding provision of the necessary services or to re-tender the operation and maintenance of the systems.

It is the recommendation of the project Steering Committee to extend the agreement with ACS for the operational services detailed in the RFP for a fourth year (November 2003 – November 2004) for the following reasons:

- The future of the governing legislation permitting the use of red light camera systems beyond November 2004 will be based on evaluation results presented later in 2003. The provincial intent for further extending the program is not clear at the present. Consequently, the duration of service provision to be included in a new tender document is unknown at this time. It could be only one more year.
- The Highway Traffic Act Regulations define the system currently in use as the only designated "red light camera system" for use in the Province of Ontario.

The system in use is available from and supported by one exclusive North American distributor. Consequently, the project Steering Committee cannot obtain competitive pricing for the operation of the current system from other vendors.

- There is a significant capital investment in the existing system (18 cameras at 68 sites). The field equipment portion of the system is the property of the municipalities and is satisfactorily operated and maintained under contract with ACS. If the municipalities were to issue a tender for red light camera systems for one year period, it is likely that a portion, if not all of the field equipment could not be used as part of an alternate system as the field requirements of alternate systems differ.
- The existing film processing software is both complex and proprietary to ACS. This software is operated by City of Toronto staff and they have now become familiar with the functional requirements. There will be a significant cost in training staff on any new software applications. Also, an alternate vendor may not be able to properly process film from the existing system.
- As part of our original tender process, a 'Proof of Performance' analysis was required. This was a time consuming and expensive process. A new vendor would be required to meet this requirement. There is simply not enough time afforded to the Steering Committee, after the evaluation results are available, to undertake this activity and have time to purchase and install new equipment.
- It would not be the intention of the municipalities to procure additional camera equipment until following the evaluation. Operational and maintenance costs of the existing sites are the only expenditures expected during Year 4.

All of these issues are made more complex by the fact that six municipalities are involved with the overall program. It has been necessary to have six working groups operating under the direction of the project Steering Committee to cover all aspects of this complex program. It has been difficult to move quickly on many aspects of this project; however, this pooling of resources has proven to be extremely effective in developing a proper red light camera system.

In the event that the Province decides to extend the program, the following is a timetable of events necessary to proceed with the Red Light program;

RLC Project Extension Timetable for Operation beyond November 2004

Date:	Event:
June/July/August, 2003	Pilot project evaluation results report completed
September/October, 2003	Province to determine evaluation results.
November/December, 2003	Prepare Council reports on program status
January/February, 2004	Prepare tender documents.
March/April/May, 2004	Complete Proof of Performance testing on any new equipment.
June/July/August, 2004	Implement new camera system
September/October, 2004	Approval of 'Highway Traffic Act' changes.
November/December, 2004	Activation of new camera system.

The above table shows that tendering would take almost a full year, and that a fourth year extension of the existing contract with ACS is a necessity if the red light camera program is to continue to operate without interruption.

Based on the information provided above it is recommended that the City of Hamilton extend our current contract with ACS for a fourth year until November 20, 2004. Since red light running offence tickets will take additional time for city court processing; effectively, the City red light camera program will need to be extended until the end of 2006 for financial purposes although the current provincial legislation only permits the camera operation until November 20, 2004.

In order to continue the red light camera program, the City will also need to extend contracts with the City of Toronto for processing of the violation notices and with the Ministry of Transportation, Ontario for the provision of licence plate information.

The extension of red light camera program has been based on retaining the same service provider - ACS as the red light camera contractor - and using one ticket processing centre which is being operated by the City of Toronto. The joint use of red light camera resources in the planning and execution of the program extension among the participating municipalities has been beneficial and effective. If all municipalities do not extend their programs, the contractor may withdraw from the negotiated agreement extension or may increase the service price. Also, other cost assumptions mat be changed. Therefore, staff recommend the program extension for the fourth year be subject to the Cities of Ottawa and Toronto and the Regional Municipalities of Peel and Waterloo extending their red light camera programs as well.

ANALYSIS OF ALTERNATIVES:

The City is constrained by the Provincial legislation, the completion of pilot study in November and lengthy process to evaluate red light camera equipment submitted by alternate tenders. If the City decides not to extend a fourth year contract with ACS, an alternate contract is not possible due to legislative requirement of camera equipment. The City will have no choice except to cease to operate the Red Light Camera program after November 20, 2003.

However, if the City chooses not to continue with the operation of the cameras, this would result in a negative impact in terms of public safety.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The City owns the red light camera equipment. Operational and maintenance costs of the existing sites are the only expenditures to be incurred in the fourth year.

The negotiated fourth year cost for the necessary operational requirements with ACS shows an increase over the 2003 pricing of about 4.9% which is greater than the rate of inflation. The overall difference between 2003 and 2004 prices, $8,759, is small compared to other alternatives such as obtaining a new tender or abandoning the project for a year.

The cost comparisons between Year 3 and Year 4 are shown in the following table:

ACS Red-Light Camera Project Expenditures for Years 3 and 4

Component	Estimated Totals for Year 3 (2002 – 2003)	Estimated Totals for Year 4 (2003 – 2004)
Camera Operation	$146,710	$152,488
Site Operation	$18,079	$19,209
Processing software/Hardware Fee	$12,627	$13,451
Photographic Print Sets	$1,541	$2,568
Total	**$178,957**	**$187,716**
2004 Increase cost	**-**	**$8,759 (4.9%)**

In addition to these vendor costs, the Central Processing Centre will continue to be operated by the City of Toronto. The City's Year 3 and Year 4 costs for this service are both estimated to be $61,600 each year.

The third and fourth year program costs for the Ministry of the Attorney General and Ministry of Transportation will continue to be based on a cost sharing formula of the City's percentage of the overall tickets written in the Province of Ontario. The Province has charged a total amount of $85,017.66 in 2001 and 2002. However, a large portion of the costs incurred by the Province has not yet been charged to the municipalities. Hamilton's share of the total MAG and MTO expenses is estimated at $395,400. The two-year cost for 2003 and 2004 is therefore projected to be $310,300.

A public awareness program will continue to be conducted during the extended period. This activity is estimated at a cost of $50,000 for a period of two years.

The basic budget for the original two-year project was a gross expenditure of approximately $1.2 million with a net cost of $338,000. The net cost was the difference between the expended program cost and the anticipated fine revenue. By the end of 2002, $333,100 was actually contributed to the budget instead of $338,000. As reported in Report TOE02120, during the period of OPSEU strike in early 2002, the Central Processing Centre was not able to process violations. A significant revenue loss has been incurred and is estimated at $215,000.

Two recent court rulings have impacted on the success of prosecutions in Toronto and in Waterloo. To date, these have not affected court decisions in Hamilton. If the effect of these trial decisions were to be felt in Hamilton, fine revenue would be negatively impacted.

At the present, including the projected revenue reduction in 2002 due to OPSEU strike but not including the possible impacts of the recent court rulings in Toronto and in Waterloo, the total four-year gross expenditure is projected to be $2.1 million with an approximately equal amount anticipated to be received as fine revenue.

The projected expenditures and revenues for the red light camera program are illustrated below:

Red Light Camera Estimated Expenditures for 2003 and 2004

Account Number	Year 2003	Year 2004
55401 – Advertising & Promotion (Public Awareness Program)	$25,000	$25,000
55919 - Contractual Serv Installation (ACS RLC Operation plus GST)	$166,300	$174,300
55738 - Transaction Fee (MTO/MAG Agreement)	$279,200	$31,100
55739 - Processing Fee: Toronto Processing Centre ACS Processing Software/Hardware (incl. GST)	 $61,600 $12,600	 $61,600 $13,500
55606 - Other Fees & Services (Courier)	$400	$400
TOTAL	$545,100	$305,900

Expenditure and Revenue Projections for the Red Light Camera Program

	Years 2000-2002	Year 2003	Year 2004	RLC Program Total
Total Expenditures	**$1,222,200**	**$545,100**	**$305,900**	**$2,073,200**
Capital Contribution	$333,100	-	-	$333,100
Fine *	$800,100	$545,300	$445,400	$1,790,800
Total Revenue	**$1,133,200**	**$545,300**	**$445,400**	**$2,123,900**
NET – Fav/(Unfav)	**($89,000)**	**$200**	**$139,500**	**$50,700**

* Note: The processing for red light tickets and receiving fine payment is extensive. Therefore, we may receive fine revenue in the following calendar year.

POLICIES AFFECTING PROPOSAL:

The contract outlined in this report is in accordance with the Purchasing Policies, Policy #11 Negotiations, Item g, extension of contract. Although the extension provision was not built into the original terms of reference, the Purchasing Section agrees with the rationale outlined in this report recommending a 1-year extension with the current vendor.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

There has been on-going consultation in this project with City finance staff, City legal staff, City purchasing staff, Hamilton Police Services members, staff from the other five participating municipalities, and staff of the Ministries of Transportation and the Attorney General.

CITY STRATEGIC COMMITMENT:

The red light camera program has initially shown a promising trend toward reduced motor vehicle collisions, thereby improving public safety. A full program evaluation will be available in June 2003. The public also perceives a safer driving environment, adding to quality of life.

SECTION 14

CITY WIDE IMPLICATIONS

14.1

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Fleet & Facilities Division

CORPORATE SERVICES DEPARTMENT
Financial Services Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter Crockett, P.Eng. General Manager Joseph Rinaldo General Manager
Date:	April 22, 2003	**Prepared by:**	Kathryn McIntyre 905-628-5377 Stephen Bauld Extension 2797

SUBJECT: **Supply of Furniture - Workstations and Case Goods, for City of Hamilton Employees (PW03032/FCS03085) - (City Wide)**

RECOMMENDATION:

(a) That Teknion, Boulevard, and Steelcase be approved as acceptable manufacturers for the supply of office furniture, workstations and case goods.

(b) That staff be authorized and directed to negotiate "house account agreements" with these manufacturers for a three year period ending December 31, 2005.

Peter M. Crockett, P.Eng.
General Manager
Public Works

Joseph L. Rinaldo
General Manager
Corporate Services

EXECUTIVE SUMMARY:

Using "house account agreements" from Teknion, Boulevard, and Steelcase to order workstations and free-standing furniture will give the city the best and lowest price with manufacturers bypassing the usual selling agent dealers' mark-up. Entering into a "standing house account" does not offer exclusive rights to any manufacturer's brand to supply furniture to the City but will get the required furniture that matches the existing in a facility at the best possible price.

BACKGROUND:

In 2002, Council approved $500,000.00 to replace all non-ergonomic furniture for the employees in City Hall. The intent upon approval was to tender the replacement furniture order through the RFP process using workstation component standards.

Within the office furniture market, manufacturers offer best prices to one preferred local selling agent. When two or more dealers or selling agents offer the same furniture brand only one dealer; selected by the manufacturer, will be able to offer the lowest price. Selling dealers can pre-empt other selling dealers by registering a potential tender with a manufacturer, preventing other dealers from getting the preferred price. A free market tendering process is impossible under these conditions and without a free market tender the City of Hamilton does not get the best prices for office furniture.

Before going to tender, the existing conditions in City Hall and other buildings were considered. City departments have many different furniture systems in various stages of their life cycle. Some furniture has not reached the end of its useful life; some is long past its useful life.

City departments can order free-standing furniture items (e.g. file cabinets) for employees from a variety of sources - the office supply catalogue, city office furniture suppliers. Departments do not necessarily know that types and prices offered are the best value for the City of Hamilton.

Facilities' goal is to replace furniture that has surpassed its intended life. The goal needs to be accomplished without compromising the benefits to employees or forcing obsolescence on furniture systems that remain useable for the foreseeable future.

A "house account" with the Teknion, Boulevard, and Steelcase manufacturers for workstation furniture and free-standing case goods will provide the necessary furniture that is compatible with existing along with the best pricing and value to the City. The "house account agreement" negotiation process through Purchasing with Teknion has resulted in a seventeen-percent reduction on our previously tendered prices.

ANALYSIS OF ALTERNATIVES:

Standardization on one brand of furniture was considered and would make moving employees easier. A standardization tender however, would require the City of Hamilton to exclude all other manufacturers and give exclusive rights for only one furniture manufacturer, one manufacturer's chair, one type of free-standing furniture. There could be no guarantee that the vendor relationship would continue through to another period. This is not the lowest cost solution over the long-term.

Maintain status quo, furniture tendered to "selling agents" or dealers. When dealers respond to tenders, the method does not result in the lowest cost to the City for purchases since dealers add their mark-ups and restrict other dealers from offering the same specified goods for lower prices. This is not the lowest cost solution.

The majority of furniture within the City is now Teknion, however Steelcase anc Boulevard have been installed and are being maintained in other facilities.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

The City of Hamilton as a "house account" will always be guaranteed the best and lowest price offered to any other client in Canada of Teknion, Boulevard, and Steelcase under the terms of the house agreement contract.

Legal

Legal has prepared the contract documents that must be signed by all Teknion, Boulevard and Steelcase manufacturers and their local dealer agents.

Staffing

There are no staffing implications.

POLICIES AFFECTING PROPOSAL:

The City of Hamilton Purchasing Policies and Procedures allow for the purchase of goods or services from a single supplier if it is more cost effective or beneficial to do so. The recommendations contained within this report are keeping to the spirit of that provision. It is cost beneficial to the City to limit the purchase of office furniture from specified manufacturers and to negotiate volume discounts directly with those manufacturers. This will guarantee that the City achieves the maximum discount on the furniture it acquires.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Purchasing, Corporate Services
Legal, Corporate Services

CITY STRATEGIC COMMITMENT:

A City that invests wisely and spends strategically: The employees will receive furniture suitable for job tasks. There will not be premature obsolescence in any furniture system.

A City with high performance public servants: Employees will be working in an ergonomic environment that is suitable for the job tasks.

SECTION 15

SECTION 16

CITY WIDE IMPLICATIONS

16.1

CITY OF HAMILTON

HAMILTON POLICE SERVICES BOARD

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lois Morin Administrative Assistant
Date:	March 26, 2003	**Prepared by:**	Lois Morin – 905-546-2727

SUBJECT: **Closed Circuit Television (CCTV) Community Consultation Update (City Wide)**

RECOMMENDATION:

That the Council of the City of Hamilton be requested to support the implementation of a two-year pilot project to deploy CCTVs in the downtown area.

Lois Morin

Lois Morin, Administrative Assistant
Police Services Board

EXECUTIVE SUMMARY:

The Police Services Board met on Monday, March 24, 2003 and respectfully submits the recommendation which, the Police Board approved. As part of the consultation process the Board also requested that its decision be forwarded to City Council, to seek its support to implement a two-year pilot project in the downtown area.

BACKGROUND:

(see attached)

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

(see attached)

POLICIES AFFECTING PROPOSAL:

N/A

CITY STRATEGIC COMMITMENT:

N/A

BPM/lem

Attachments: PSB 02-033b – Closed Circuit Television (CCTV) Community Consultation Update

cc: Chief Kenneth D. Robertson
Superintendent Michael P. Shea

HAMILTON POLICE SERVICES BOARD

- RECOMMENDATION -

DATE: 2003 March 13

REPORT TO: Chairman and Members
City of Hamilton Police Services Board

FROM: Kenneth D. Robertson
Chief of Police

SUBJECT: **Closed Circuit Television (CCTV) Community Consultation Update - PSB #02-033b**

RECOMMENDATION:

a) That the Police Services Board seek the support of Hamilton City Council for the implementation of a two-year pilot project to deploy CCTVs in the downtown area.

b) That subject to Council support, the Board endorses the implementation of a two-year pilot project involving the installation of CCTV cameras in downtown Hamilton.

Kenneth D. Robertson
Chief of Police

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

FINANCIAL –

N/A in regard to the consultation process - will form part of the implementation plan.

STAFFING –

No staffing implications – becomes a function of the new Call Management Branch.

LEGAL –

Legal counsel has reviewed all relevant legislation and recent court decisions.

BACKGROUND:

On Monday 18 March 2002, PSB Report #02-033 was submitted as an "Information" item to advise the Board of a public consultation process to assess community support for a proposal to install CCTV cameras in downtown Hamilton.

The consultation process included public forums, media interviews, telephone inquiries, letters, faxes and e-mails (to the HPS web site) and an independently conducted telephone survey. An evaluation (*objective and subjective*) by the CCTV Steering Committee of all public consultation data resulted in a report to the Chief of Police identifying significant public support for the CCTV proposal. Attached to this report (*Addendum 1*) is a copy of the Steering Committee's letter to the Chief and a brief listing of the data regarding the consultation process (*Addendum 2*). A complete list of all reference material is available to the Board members for review.

The independent citywide survey shows that more than two-thirds of all respondents would feel safer walking in downtown Hamilton knowing that the Police Service was monitoring the area. The majority of respondents (84.3%) believe that CCTVs are an effective tool for deterring and detecting crime, and 82.1% support their use.

The purpose of the CCTV community initiative is to promote public safety by:

1. Providing and maintaining a safe environment in the downtown;
2. Acting as one component of downtown revitalization; and,
3. Improving the ability of the Hamilton Police Service and the community to respond to crime and anti-social behavior occurring in Hamilton's downtown core area.

The principle objectives of the program are as follows:

- Enhancing public safety;
- Preventing/ deterring crime and public disorder;
- Reducing and removing the fear of crime;
- Identifying criminal activity;
- Identifying suspects;
- Gathering evidence;
- Documenting police actions to safeguard citizen and police officer rights;
- Reducing the cost and impact of crime to the community; and
- Improving the allocation and deployment of law enforcement assets.

We believe this will increase the quality of life for residents, property owners, local businesses and visitors in downtown Hamilton.

Video surveillance technology has been in use since the 1950s to assist police in reducing crime on public streets. CCTV programs are now used throughout the world with established systems in Canada, the United States, the United Kingdom and Germany. There are many successes in communities where similar programs are in place. Sudbury's "Eye in the Sky" program is an excellent example – in the three years following installation of their cameras, Robberies and Assaults decreased by 38% and Property Crime decreased by 44%.

A number of community concerns have been addressed by the CCTV Steering Committee. Should the Board endorse this project, clear operational procedures that outline protection of privacy, monitoring (by HPS personnel), retention (72 hours), use of recordings and auditing will be submitted.

KDR/mpa

Attachments: 2

cc: Supt. Michael P. Shea

HAMILTON POLICE SERVICE
RECIPIENT OF THE WEBBER SEAVEY AWARD FOR
QUALITY IN LAW ENFORCEMENT

Wednesday 12 March 2003

Kenneth D. Robertson
Chief of Police
Hamilton Police Service

Chief Robertson,

Re: Results of Community Consultation Process – CCTV Proposal

In March 2002, a Steering Committee was formed to begin a community consultation process to assess the community's response to a proposal to install five CCTV cameras in the downtown core of Hamilton. The consultation process included 12 public forums, media interviews, telephone inquiries, letters, faxes, e-mail messages and a citywide independent telephone survey.

Of the 223 telephone surveys conducted, in excess of 84% of those surveyed believe that CCTVs are an effective tool for deterring and detecting crime and 82.1% support their use in regard to this proposal. The committee unanimously concludes that there is significant community support for the proposal.

Respectfully submitted,

David Blanchard
Mary Pocius Mary M. Pocius
Gord Thompson
Janet Manners
Max Reimer
Scott Gilbey
Ron Marini Ron Marini
Michael Shea

CCTV Public Consultation Results

Public Forums:

Location	Attendance	Results
1. Public Library – York Blvd.	96 People	Difficult to gauge – for/against appeared to be about even - 50% in favour & 50% against CCTV.
2. First Place – King & Wellington	120 People	Approx. 95% in favour of CCTV.
3. Ancaster High School	14 People	12 in Favour and 2 against (approx. 86%).
4. Saltfleet High School	2 People	Both in favour (100%).
5. Orchard Park High School	3 People	All 3 in favour (100%).
6. Glendale High School	2 People	Both in favour of CCTV (100%).
7. Westdale High School	1 Person	Not in favour.
8. Hillpark High School	2 People	Both against CCTVs (0%).
9. Barton Secondary School	3 People	All in favour (100%).
10. Parkside High School	4 People	All in favour (100%).
11. Delta High School	4 People	All in favour (100%).
12. Sir Allan McNab High School	8 People	6 in favour & 2 against (75%)

E-mails:

In Favour (For)	Responses Against	Results
81	4	95.3% in favour.

Letters/Faxes:

In Favour (For)	Responses Against	Results
9	0	100% in favour.

Voice Mail/Telephone Calls:

In Favour (For)	Responses Against	Results
3	0	100% in favour.

Newspaper Articles - Letters to the Editor:

In Favour (For)	Responses Against	Results
7	3 (+ 1 other)	Approx. 57% in favour.

Police Advisory Committees:

In Favour (For)	Responses Against	Results
2 (unanimous)	1 (Mixed)	Div. #1 & #3 were unanimous, Div. #2 – at least two members had some concerns (66.6%).

Survey:

In Favour (For)	Responses Against	Results
183	28	223 results are in so far – 82.1% of the population support the use of CCTVs and 12.6% do not support their use.

SECTION 17

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

17.1

PUBLIC WORKS DEPARTMENT
Waste Management Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	March 28, 2003	**Prepared by:**	Adrienne Press Extension 5516

SUBJECT: **Award of Contract C11-08-03, Supply and Delivery of Recycling Containers Option 2 - Supply and Delivery of 5,000 Wheeled Recycling Carts (PW03020) - (City Wide)**

RECOMMENDATION:

That Contract C11-08-03 for the Supply and Delivery of 5,000 Recycling Carts be awarded to the lowest acceptable bid, SSI Schaefer System International Ltd., at a total contract price of $373,750.00 (includes all applicable taxes) to be financed by Capital Project #5120290114.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

Waste Management staff recommend that the contract C11-08-03 be awarded to SSI Schaefer System International Ltd. The total cost of the contract is $373,750.00 (includes all applicable taxes), which is included within the approved Capital Budget for Multi-Residential Recycling.

Schaefer is the lowest acceptable bidder that meets the specifications in the tender and that is compatible with the recycling collection vehicles used by our recycling contractor Halton Recycling Ltd. (HRL). SSI Schaefer is the current provider of recycling carts and there are already approximately 2,500 Schaefer carts being used within the City's multi-residential cart program.

BACKGROUND:

The Supply and Delivery of Recycling Containers Tender was issued on January 17, 2003 and closed on February 6, 2003. Bidders could bid on the supply and delivery of one, all, or any combination of the following recycling containers;

Option 1 - A minimum of 185,000 Recycling Boxes

Option 2 - A minimum of 5,000 Wheeled Recycling Carts

Option 3 - A minimum of 100,000 Recycling Bags

Bids for Options 1 and 3 were awarded through procurement award as the lowest bids received were selected for both options. Option 1 was awarded to SCL A-1 Plastics Ltd., lowest of 5 bids, and Option 2 was awarded to Multi Bag Inc., lowest of 1 bid.

The evaluation and award of Option 2 was found to be more complex. While staff have the authority to undertake the award, given recent procurement process concerns, it was determined that Council approval of the award was appropriate.

ANALYSIS OF ALTERNATIVES:

The specifications for recycling carts set out in the tender document included a range of parameters to ensure that the necessary qualities required were obtained. When evaluating the bids, they were scored with a 2, 1, or 0 for each specification, depending on the parameters set. If any cart fell outside the parameters set, it scored 0 and was disqualified. SSI Schaefer was the only cart to meet these specifications, however, it was not the lowest bid received.

Of highest importance is the ability for the carts to be emptied by the recycling trucks. Field testing of all the carts has shown that recycling carts and recycling collection vehicles are not standardized. Our recycling collection contractor, Halton Recycling Ltd., had advised us that any type of cart was compatible with their collection vehicles and the specifications in the tender were written accordingly. However, field tests that were performed by City staff and HRL confirmed that only SSI Schaefer and IPL Inc. carts could be tipped using multi-residential collection vehicles.

Although the cart manufactured by IPL is $2.57 per cart less than Schaefer, the IPL carts do not meet the specifications in the tender. The temperature range in which the cart must be resistant to bending, cracking and warping was not within specifications and the width of the cart was non-compliant with the specifications. Therefore, awarding the contract to IPL is not being recommended as they are not compliant within the specifications of the tender.

A total of six bids were received. In addition to the submissions from SSI Schaefer and IPL, bids were also received from Otto Canada, Diakon Molding Inc., Buckhorn Canada Inc., and Rehrig Pacific Company. The unit pricing is summarized in the following table:

UNIT PRICES			
Company Name	**0-5,000**	**5001-10,000**	**Specs Met**
SSI Schaefer System International Ltd.	$65.00	$65.00	Yes
Otto Canada	$52.77	$52.77	No
Diakon Molding Inc.		$56.18	No
Buckhorn Canada Inc.	$57.62	$57.62	No
Rehrig Pacific Company *(Standard wheel)*	$59.50	$59.50	No
Rehrig Pacific Company *(Rubber wheel)*	$61.25	$61.25	No
IPL Inc.	$65.37	$62.43	No

Assuming a purchase order is issued in April, containers will likely be received starting in the middle of May and ending in late June. We will begin implementing the multi-residential program once the containers are received.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds for the purchase of the carts are available in the Multi-Residential Capital Budget, Project #5120290114.

POLICIES AFFECTING PROPOSAL:

The policies directly affecting waste diversion programs are those in the Solid Waste Management Master Plan. A full scale recycling program for multi-residential facilities will divert waste from the landfill and support the following:

- Contributing to the optimization of the capacity of the Glanbrook landfill by removing the recyclables from the waste stream;
- Contributing to the 65% diversion target by 2008; and
- Supporting continuous improvement to the waste management system.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Waste Management staff has consulted with the Purchasing Division and Finance staff who support the recommendation in this report.

CITY STRATEGIC COMMITMENT:

Hamilton's Mission, Vision, Values and Goals Statement

Waste diversion programs including the blue cart program are consistent with Hamilton's Mission, Vision, Values and Goals Statement.

Effective solid waste management supports the City's vision for "...a safe, healthy, sustainable community...". The reduction and diversion of waste preserve the life of and sustain the landfill for use further into the future.

The expanded multi-residential recycling program contributes to the fulfilment of several of the City's goals, including:

- VISION 2020 (to be addressed below);
- A healthy, safe and green City;
- Reducing waste going to the landfill;
- Best practices - best value, balance service provision and programs with long term benefit of landfill life.

Sustainable Development - VISION 2020

The multi-residential blue cart program contributes to fulfilling the goal of managing waste safely and responsibly. It is also consistent with several of the specific Strategies for a Sustainable Community for Reducing and Managing Waste, including a comprehensive waste management plan that focuses on the reduction of curbside waste and the diversion of waste for reuse and recycling, and enhancing diversion programs and increasing participation.

SECTION 18

18.1

MOTION

Council Date: May 6, 2003

MOVED BY COUNCILLOR MITCHELL..

SECONDED BY COUNCILLOR...

Whereas, the Solid Waste Reduction Unit (SWARU) ceased operation in December 2002.

Whereas, the solid waste that was previously incinerated at SWARU is being landfilled at the Glanbrook Landfill Site,

Whereas, the Solid Waste Management Master Plan (SWMMP) will continue to be supported,

Whereas, the General Manager of Public Works has been directed to begin exploring the need for a new state-of-the-art Energy from Waste (EFW) facility,

Whereas, the life expectancy of the Glanbrook Landfill will be reduced, by approximately 4 years, to 21 years assuming that the 65% waste diversion target set out in the SWMMP is reached by 2008.

Whereas, the life expectancy of the Glanbrook Landfill will be reduced to 11 years if City of Hamilton residents do not actively participate in waste diversion programs and current diversion rates are maintained.

Therefore be it resolved that the City of Hamilton and Hamilton Utilities Corporation jointly investigate EFW technologies, obtain input from the Glanbrook Landfill Committee, Waste Reduction Task Force and SWMMP Steering Committee and report back to Council on the findings and recommendations for further action.

SECTION 19

19.1

NOTICE OF MOTION

Council Date: May 6, 2003

MOVED BY COUNCILLOR POWERS..

SECONDED BY COUNCILLOR..

That Clerks staff be directed to undertake a review of the requirement (legislated and non-legislated) for Council representation on any Boards, Authorities and Advisory Committees and report to the Council's Working Group on Advisory Committees , who may provide recommendations for change, with an effective date of December 1, 2003.

ACCO® USA
WHEELING, ILLINOIS 60090
25971
MADE IN USA
0 50505 25971 7
BLACK/NOIR/NEGRO

HAMILTON PUBLIC LIBRARY
3 2022 21336147 6